



ORDER BELOW EXH.1

The officer in charge after completion of the investigation in C.R.No.89/2006 registered with Dehuroad police station, has filed final report (Charge sheet) under section 135 of the Electricity Act, 2003.

02. The accused No. 01 is absent before the court and therefore, the proclamation and standing NBW were issued against the accused and the report at (**Exh. 02 to 04**) have filed on record. In spite of that, the prosecution has failed to secure presence of the accused. The record shows that, the accused No. 01 is absconded.

03. The Hon'ble Supreme Court has in the case of **Jogindar Singh Vs. State of Punjab (1979) 1 Supreme Court Cases 345** held that, u/s. 193 and section 209 of Cr.P.C. the commitment is of 'the case' and not of 'the accused'. The Hon'ble Supreme Court further held that, the accused persons before the court means that before a case in respect of an offence is committed there must be some accused suspected to be involved in the crime before the court.

04. The Hon'ble Supreme Court in the case of **Sanjay Gandhi Vs. Union of India (1978) 2 Supreme Court Cases 39** held that, the committal magistrate has no power to take oral evidence and the committal magistrate has to look at the case limits him merely to ascertain whether the case, as disclosed by the police report, appears to the magistrate to show an offence triable solely by the court of session and if the offence is triable by session then the magistrate has simply to commit trial before the court of session.

05. The Hon'ble Supreme Court in the case of **Superintendent Vs. Ashutosh Ghosh (1979) 4 Supreme Court 381** held that, the committing court need not take any evidence but has only to see whether the case is exclusively triable by the court of session then the magistrate therefore, commit the case to the court of session.

06. Considering above ratio of the Hon'ble Supreme Court there is no other option to this court and the case is needs to be committed to court of session.

07. The offence punishable under section 135 of the Electricity Act, 2003 is exclusively triable by Hon'ble Sessions Court.

08. The record of the case and the documents and the articles, if any, which are to be produced in the evidence be sent to the Hon'ble Court of Sessions at Vadgaon Maval.

09. The Public Prosecutor be notified of the commitment of the case to the Hon'ble Court of Sessions at Vadgaon Maval.

Date: 02/07/2026.

(Abhay M. Vibhute),
Judicial Magistrate, First Class,
Vadgaon Maval, Pune.