

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE,-
CUM-SPECIAL COURT ON ELECTRICITY ACT
1ST COURT, TAMLUK, PURBA MEDINIPUR

Present : S. Gaurisaria
Addl. District Judge,
1st Court, Tamluk, Purba Medinipur
Code WB01430

SC(E) 26(1)15

Regd No.1835 of 2015.
WBEM0100011522015

Order No. 16
02/03/2021

Today is fixed for consideration of charge, if any and appearance.

Sole accused, namely, Tapan Kumar Das on Court bail, is present in Court by filing hazira.

The case record is taken up for consideration of charge.

Learned P.P. In-charge is present. Learned defence Advocate is also present.

Heard the learned P.P.-In-charge and the learned Advocate for the accused person.

Perused the case record.

Learned P.P. In-charge opens his case and describes the charge against accused person namely, Tapan Kumar Das to the effect that on 13.01.2015, at about 02.15 p.m., Sri Shyam Sundar Mondal, AE & SM, Nandigram CCC along with staff WBSEDCL, Sankar Biswas, SAE(E), Manik Pal, SAE, Nandigram CCC and Sri Uttam Kumar Maity, LM Nandigram CCC had been to his commercial premises situated at Vill-Amdabad, under PS-Nandigram, Dist. - Purba Medinipur for the purpose of inspection and during inspection it was detected that the accused was consuming electricity unauthorizedly at his commercial premises by by-passing the meter from the nearest LT mains, causing loss of revenue of the WBSEDCL and committed an offence punishable under Section 135(1)(b) of the Electricity Act, 2003 read with amendment Act, 2007 and within the cognizance of this Court.

Learned P.P. In-charge also describes the evidence by which he proposes to prove the guilt of the accused person. Ld. Advocate representing the defence raises objection. He submitted that there is no *prima facie* evidence against the accused person.

Having considered the submission made by the learned P.P.-In-charge and the learned defence counsel and having gone through the materials on record, I am of the opinion that there is ground for presuming that the accused has committed alleged offence punishable under Section 135(1)(b) of the Electricity Act, 2003 read with amendment Act 2007 which is exclusive triable by this Special Court.

Hence, charge for offence punishable under Section 135(1)(b) of the Electricity Act, 2003 read with amendment Act, 2007 is framed against the accused person.

Charge so framed are read over and explained to the accused person in Bengali to which on being asked whether he wants to pleads guilty or claims to be tried, the accused pleads not guilty by saying 'ami nirdosh' and claims to be tried. Accordingly, the case is adjourned today.

Fix **28.07.2021** appearance of the accused and for evidence of CSW-1 & CSW-2.

Prosecution is directed to bring witnesses on the dates fixed.

Issue Summons upon the witness. Seized alamat, if any, be produced.

D/C by me,
Sd/-
Judge, Special Court

Sd/-
Judge, Special Court
Tamluk, Purba Medinipur