

Present : Hemanta Sinha
Additional Sessions Judge
1st Court, Tamluk
SC(E) 476/2023
Regd No. 476/2023
WBEM0100-2396-2023

Order No.05
04.03.2025

Today is fixed for consideration of charge and appearance of the accused person.
Sole accused, namely, Parbati Prasad Ghata 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 Parbati Prasad Ghata to the effect that you at Vill – Nandaigajan , under PS –Kolaghat , Dist.- Purba Medinipur have shifted the existing LTOH line with one PCC pole newly erected to shift the LTOH over your under construction building adjacent to road and that you thereby committed an offence punishable under **Section 138 of the Electricity Act, 2003** and within cognizance of this Court.

He 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 person has committed alleged offence punishable under Section 138 of the Electricity Act, 2003 which is exclusive triable by this Special Court.

Hence, charge for offence punishable under Section 135(1)(a) of the Electricity Act, 2003 is framed against this accused in separate sheet.

Charge so framed are read over and explained to the accused person in Bengali to which on being asked whether he wants to plead 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 **03-07-2025** for appearance of the accused person and evidence of DC.

Prosecution is directed to ensure presence of witnesses on the dates fixed.

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

D/C by me,

Judge, Special Court

Judge, Special Court
Tamluk, Purba Medinipur