

In the Court of the Judge, Spl Court (Elec. Act)-cum-ASJ 4th Court, Howrah.

Electricity Case no. 107 of 2022
(CNR No: WBHW010031982022)

Order No.04 dated 06-09-2022.

The case record is put up on the strength of a petition by accused persons. Two accused namely Debabrata Samanta, and Subrata Samanta, on court bail are present by filing hazira.

An application praying for compounding the offence along with some documents is filed.

Ld. Advocate on behalf of the State is present.

The record is taken up for hearing on the point of compounding of offence u/s 135/138 of the Electricity Act, 2003 as per Section 152 of the Electricity Act.

Heard both sides. Perused the entire materials available on record including the money receipt. Considered.

On perusal of the money receipt & the award passed by National Lok Adalat at Howrah District Court held on 13-08-2022, I find that the offence has been settled and the award money of Rs.1000/- as directed by the National Lok Adalat has already been deposited by accused persons to CESC Ltd. It appears that the CESC Ltd. has settled both the accused persons as beneficiaries of the consumer Sankar Samanta (vide reference no.LBB/01361/2022 dated 03-06-2022Annexure-A).

It is seen that according to section 152 of the Electricity Act 2003 the offence of theft of electricity is compoundable in nature

In view of the provisions laid down u/s 152 (2) of the Electricity Act, 2003 after acceptance of the sum of money as compounding charges for compounding this offence, this proceeding shall not be continued and the above stated two accused persons will be discharged from their respective bail bond and set at liberty at once.

No order in respect of seized alat can be passed as this case is still pending against another accused.

To 09-01-2023 for I.O.'s report.

Upload the same in the CIS immediately.

Judge, Special Court (Elec. Act), Howrah.
(J.O. Code:WB00774)
06-09-2022