

IN THE COURT OF SPECIAL JUDGE, 1ST COURT, MALDA.

Present : Abir Chatterjee (Judicial Officer's Code WB00833),

Special Judge, 1st Court, Malda.

Electricity Case No. 605 of 2018

Reg - 605 of 2018

CNR- WBML01-005836-2018

State of West Bengal Prosecution.

-Vs. -

Jamiruddin SkAccused person.

C h a r g e : U/s-139 of Electricity Act.

Date of delivery of Judgment:- 18-07-2026

: J U D G E M E N T :

The fact of the case is that one Sanjay Kumar Das Station Manager of English Bazar CCC WBSEDCL lodged an FIR before IC English Bazar against to the effect that on 11-11-2018 a vehicle being no. WB59A2451 loaded with stone chips smashed and damaged a double pole of 11 kv Mohodipur feeder. He also stated that the lorry was in overturned condition beside the road.

On receiving the FIR the I.C English Bazar started English Bazar PS case no. 1201/2018 dt. 12-11-2018 u/s-139 of the Electricity Act 2003.

Upon completion of investigation by the I.O Charge sheet was submitted against the accused person namely Jamiruddin Sk u/s-139 of the Electricity Act 2003.

The accused person appeared before this court and subsequently charge u/s- 139 of the Electricity Act 2003 was framed against the accused person to which he pleaded not guilty and claimed to be tried and hence this trial.

In order to establish and prove the charge from the side of the Prosecution, two witnesses could be examined and one document were marked as Exhibit.

The accused person was examined under section 313 of Cr.P.C and it appears from the trend of argument that defence case is that of denial of the prosecution case.

POINT FOR CONSIDERATION.

The point for consideration is whether from the evidence on record the accused person can be held guilty of the charge leveled against him or not.

DECISION WITH REASONS.

It appears from the evidence and documents that the Assistant Engineer, WBSEDCL and his team received information regarding damage of the infrastructure belonging to WBSEDCL by a lorry bearing registration no. WB59A2451 loaded with stone chips. It further appears that the complainant did not ascertain the name of the driver. The present accused had surrendered before this Court associating himself with the said vehicle but the conduct does not absolve the prosecution from establishing the guilt of the accused.

Independent witnesses did not establish involvement of this accused in the rash and negligent driving leading to the damage of the property belonging to WBSEDCL. The deficiency is fatal. In the circumstances, the prosecution case remains uncorroborated.

In the light of above observation, it appears that the charge framed u/s-139 of the Electricity Act, 2003 has not been proved against the accused person namely Jamiruddin Sk and he is entitled to get benefit of doubt.

Hence, it is,

ORDERED

that the accused Jamiruddin Sk is found not guilty of the charge framed against him u/s-139 of the Electricity Act, 2003 and he is thereby acquitted u/s-235 (1) of Cr.P.C.

In view of section 437A Cr.P.C the accused person shall stand discharged from his bail bond after expiry of six months from this date.

The seized items, if any, be preserved till the Appeal period is over and then be confiscated to the State.

D/C by me

Judge Special,
1st Court, Malda.

Judge Special,
1st Court, Malda(WB00833) 18-07-2026

Electricity Case no. 605 of 2018

Present : Abir Chatterjee (Judicial Officer's Code WB00833),

Special Judge, 1st Court, Malda.

Order no. 26

18-07-2026

Accused Jamiruddin Sk is present by filing hazira.

Today is fixed for examination of the accused u/s 313 of Cr.P.C.

The accused person is examined under section 313 of Cr.P.C.

Later: Argument is heard in full.

Fix 01.10 p.m. for delivery of judgment.

Later: Judgment is pronounced in open court .

The operative portion of the judgment read as :

Hence, it is,

ORDERED

that the accused Jamiruddin Sk is found not guilty of the charge framed against him u/s-139 of the Electricity Act,2003 and he is thereby acquitted u/s-235 (1) of Cr.P.C.

In view of section 437A Cr.P.C the accused person shall stand discharged from his bail bond after expiry of six months from this date.

The seized alamats, if any, be preserved till the Appeal period is over and then be confiscated to the State.

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Judge Special,
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