

SPL Electricity Case No. 37 of 2015
CNR No. WBUD01-00-0665-2015
State Versus Abul Kalam Azad

Order no. 49

14.07.2026

1. Today was fixed for appearance and evidence of CSW nos. 1, 2 & 3.
2. The accused is absent without step.
3. No step is also taken by the prosecution.
4. On repeated calls none appears either to represent the accused or the State Prosecution.
5. Despite repeated and successive calls, neither Learned Special PP nor a single prosecution witness is found in Court.
6. It is now 12:30 PM.
7. The record reveals that Kaliyaganj P.S. Charge-Sheet No. 108 of 2015 dated 22.04.2015 was submitted against the sole accused and charge was framed on 27.04.2015.
8. Astonishingly, more than ten (10) years have since elapsed, yet the prosecution has failed to examine even a single witness despite repeated opportunities and exceptional judicial indulgence.
9. Such prolonged inertia transcends the realm of procedural lapse and strikes at the very discipline and credibility of the criminal justice system.
10. The record further discloses that, at the instance of the Learned Special Public Prosecutor, the matter was referred to the Lok Adalat on 10.05.2025. The exercise, however, proved entirely futile owing to complete non-participation from either side, including from the very quarter that had sought such referral.
11. As early as 16.12.2021, this Court had fixed the matter for prosecution evidence with a clear caveat that failure to produce witnesses would entail appropriate orders. Even such express judicial mandates failed to evoke any meaningful prosecutorial response.
12. Today, once again, not a single witness is present, nor has any prayer for adjournment been advanced, revealing an indifference bordering upon abandonment of the prosecution itself.
13. Orders of a Court are not decorative pronouncements. They embody the authority of law and demand faithful compliance from all agencies entrusted with the administration of justice.
14. A scrutiny of the record leaves little room for doubt that the proceeding has long drifted into virtual desuetude, sustained more by ritualistic adjournments than by genuine prosecutorial endeavour.
15. Such extraordinary delay strikes at the heart of the constitutional guarantee of a speedy trial under Article 21 of the Constitution and renders that cherished safeguard illusory in the peculiar facts of the case.
16. This Court cannot remain a mute spectator to such prosecutorial sterility. Criminal proceedings are instituted for adjudication, not for indefinite preservation in the limbo of official apathy.
17. The conduct of the prosecuting agency, particularly the Electricity Department, discloses a conspicuous absence of prosecutorial earnestness and an apparent inclination to keep the lis in perpetual suspension, a course wholly incompatible with the rule of law.
18. Criminal law is a solemn instrument for the vindication of justice. It cannot be permitted to degenerate into a vehicle of delay or bureaucratic convenience.
19. Significantly, after recovery of the whole or substantial part of the alleged provisional assessment from the accused, the prosecution has demonstrated no meaningful progress whatsoever. To this day, not even a scintilla of evidence has surfaced from which a prima facie foundation of criminal culpability may reasonably be discerned.
20. Subsequently, vide Memo No. 946(2) dated 08.05.2026, communications were addressed to the Superintendent of Police, Raiganj Police District and Islampur Police District, annexing therewith a list of pending cases wherein the present matter figured at Serial No. 12, with a specific request to secure attendance of

prosecution witnesses, a copy whereof was also forwarded to the Learned Special Public Prosecutor.

21. In such circumstances, continuation of the proceeding would constitute a barren judicial exercise, inconsistent with fairness, due process, and the constitutional mandate of Article 21.
22. This Court is, therefore, constrained to hold that the present case squarely attracts the mandate of Section 232 Cr.P.C., which, in the face of complete evidentiary failure, operates as a solemn judicial duty rather than a matter of discretion.
23. Before parting, this Court records its profound disapproval of the casual and lackadaisical manner in which the prosecution has been pursued and expects the authorities concerned to exhibit greater responsibility, diligence, and constitutional sensitivity while invoking the coercive machinery of criminal law.

Accordingly, it is

ORDERED

that the accused namely; **Abul Kalam Azad** is hereby acquitted of the charge(s) levelled against him under the provisions of the Electricity Act, by virtue of Section 232 Cr.P.C., the prosecution having failed, despite abundant and repeated opportunities, to adduce any evidence whatsoever in support of its case.

The surety(ies) shall stand discharged subject to the provision of Section 437A Cr.P.C.

Dictd. & Cortd.

Judge, Spl. Court
1st Court, Raiganj, U/Dinajpur.

Judge, Spl. Court(Electricity Act),
1st Court, Raiganj, U/Dinajpur.