

Spl Electricity Case No. 143 of 2025
CNR No. WBUD01-00-1130-2025

Order no. 05
04.06.2026

1. Today is fixed for SR of notice of defacto-complainant and hearing on the point of acceptance FRT.
2. Learned Special Public prosecutor is present.
3. Record says that the IO submitted Raiganj PS FRT No. 586 of 2025 dated 31.05.2025.
4. Learned Special Public prosecutor submits that the Electricity Department does not have any objection against the result of the investigation.
5. 'This apart, from the record it transpires that Basudeb Roy, against whom this case was initiated in 2025, had died on 06.07.2015.
6. Learned Special Public prosecutor draws the attention of this Court to the photocopy of certificate of death, being certified by the member of 13 Kamalabari (I) GP and the original certificate issued by the same authority.
7. A question, however, peeps in our mind if the accused died in 2015, why this case was initiated in 29025 against him, instead of against the person responsible for the electric connection at the relevant point of time.
8. However, it goes beyond saying that on submission of a report by police after purported investigation, we have to apply the maxim contra veritatem lex nunquam aliquid permittit to exercise its powers while granting approval or declining to accept the report. The Court is not to accept the report which is contra legem but (sic) to ensure judicious and fair investigation and submission of a report in accordance with Section 173 of Cr.P.C. which places a burden and obligation on the State Administration.
9. Applying the above maxim and relying upon the submission of the Learned Special Public Prosecutor, this Court does not find any impediment to accept the FRT submitted by the IO of this case.

Accordingly, the FRT, being Raiganj PS FRT No. 586 of 2025 dated 31.05.2025, is accepted subject to the reopening of the investigation on detection of any trail in future.

At my Dictation

Special Judge(Electricity Act),
Uttar Dinajpur

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