

Spl. Elec.115 of 2021
JO CODE No.WB00575
CNR No.WBUD01-002224-2021

Order No.08
31.01.2023

Today is fixed for hearing the objection as well as Naraji petition dated 19.05.22 filed by defacto complainant Rahul Dutta, Assistant Engineer, Raiganj Division, WDS&EDCL.

Neither the defacto complainant is physically present nor his representative is present.

The IO ASI Sukanta Sarkar has submitted FRT.

On careful perusal of the FRT vide no.66/2022 dt. 31.01.2022 u/s.279 IPC r/w Sec.139 of Electricity Act, it appears that IO of this case during investigation, neither has properly attempted to seize the vehicle in question nor has performed his lawful duty when the registered owner of the vehicle in question has violated the norms of sec.41(A) of Cr.P.C as prescribed in that code.

Apart from it, the defacto complainant Assistant Engineer has ventilated his grievance that the vehicle in question damaged the property of WBS&EDCL and thereby caused loss of more than Rs.20,000/- and IO did not seize the vehicle.

In view of above reason, I am not satisfied about the investigation done by the IO and concluding the same by filing FRT.

As such, the FRT is not accepted.

The IC of Kaliyaganj PS is directed to re-investigate the case vide Kaliyaganj PS Case No.485/2021 dt.08.09.2021 u/s.279 of IPC r/w Sec.139 of Indian Electricity Act by deputing or endorsing a competent officer to reinvestigate the case afresh.

To 09.03.2023 for submitting report in final form.

Let a copy of order sheet be sent to IC of Kaliyaganj PS for his perusal and strict compliance.

Judge

Judge, Special Court & Addl. Sessions Judge
1st Court, Raiganj, Uttar Dinajpur