

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1595 OF 2007

SECRETARY, WEST BENGAL STATE ELECT. BOARD APPELLANT(S)

VERSUS

NAZRUL SHA RESPONDENT(S)

O R D E R

Heard Mr. Dipak Bhattacharya, learned counsel appearing for the appellant.

None appears for the respondent.

Yesterday also the matter was called out but none appeared for the respondent.

The only question that calls for our consideration is as to whether the amendment brought in section 151 of the Electricity Act, 2003, is clarificatory in nature. This Court in the case of Vishal Agrawal & Anr. vs. Chhattisgarh State Electricity Board & Anr. - (2014) 3 SCC 696 following the ratio decided in the case of Assistant Electrical Engineer vs. Satyendra Rai & Anr. - (2014) 4 SCC 513 (decided on 11.11.2010), held that the amendment brought in section 151 of the said Act, being

clarificatory in nature, shall have retrospective effect on the pending proceedings.

The facts of the instant case are entirely the same and similar to the facts of the case in *Vishal Agrawal* (supra). We fully agree with the view expressed by this Court in the said case. The impugned order, therefore, cannot be sustained.

In the result, this appeal is allowed and the impugned order passed by the High Court is set aside.

Consequently, the criminal court shall proceed with the matter in accordance with law.

.....J
[M. Y. EQBAL]

.....J
[S.A. BOBDE]

NEW DELHI;
MARCH 25, 2015.

ITEM NO.102

COURT NO.9

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No.1595/2007

SECRETARY, WEST BENGAL STATE ELECT. BOARD

Appellant(s)

VERSUS

NAZRUL SHA

Respondent(s)

(With office report)

Date : 25/03/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL

HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s) Mr. Dipak Bhattacharya, Adv.
Mr. Saurabh Mishra, Adv. (Not Present)

For Respondent(s) Mr. S. C. Patel, Adv. (Not Present)

UPON hearing the counsel the Court made the following
O R D E R

None appears for the respondent.

The appeal is allowed in terms of the signed order.

(Sanjay Kumar-II)
Court Master(Indu Pokhriyal)
Court Master

(Signed Order is placed on the file)