
(2011) 01 JH CK 0039
In the Jharkhand High Court
Case No : Criminal Misc P. No. 1333 of 2010

Dulal Sanyal

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 27-01-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 379

Citation : (2011) 2 JCR 42

Hon'ble Judges : Dilip kumar sinha, J

Bench : Single Bench

Judgement

D.K. Sinha. J.

1. Instant interlocutory application has been filed on behalf of the Petitioner Dulal Sanyal with the prayer for stay of entire criminal proceedings of GR Case No. 1849 of 2010, arising out of Parsudih PS Case No. 116 of 2010, pending in the Court of Shri T. Ahmad. Judicial Magistrate, 1st Class, Jamshedpur.

2. Petitioner has been figured as one of the accused in column- 7 at Serial No. 3 of the FIR for the alleged theft of electricity in the house giving rise to the offence u/s 379 of the Indian Penal Code as also under Sections 135/138 of the Indian Electricity Act.

3. Learned Counsel Mr. Maji at the outset submitted that the house, in question, belonged to the father of the Petitioner wherein his widow-mother used to live, who died some years ago and a caretaker was appointed to look after the house. Petitioner, as a matter of fact, used to reside at Kolkata with his wife Chand Chakarborty, where his wife was posted as Material Chaser in the Indian Railways. Petitioner is ailing and totally dependent upon his wife. In support of the fact that he was residing at 53/29 Vidyatan Sarani (1st Floor), certificate was obtained from the Baranagar Municipal Officer and after changing the tenanted flat, he has obtained another certificate from the same Municipal Office in the year 2010, which indicated that he is now living at 70/4, Institute Lane, near

Baranagar Municipal Office, Kolkata.

4. Learned Counsel further submitted that there were so may successors of the house, in question, but the caretaker could give the name of the Petitioner only and none of the successors used to reside therein. A sum of Rs. 10,000/- was imposed as a fine by the complainant-Electricity Board and the Petitioner has already deposited the fine amount against the receipt (Annexure-5) and he has also obtained bail from the Court of Chief Judicial Magistrate, Jamshedpur (Annexure-6).

5. Heard Mr. Md. Hatim, the learned APP on behalf of the State.

6. In the facts and circumstances, considering the contention of the Petitioner and having been prima facie satisfied with the documents produced on the record and upon consideration of the petition, prayer is allowed and there shall be stay of further proceedings as against the Petitioner Dulal Sanyal till further order in the instant case.

7. IA No. 2752 of 2010 stands disposed of.

(Cr. MP No. 1333 of 2010)

8. Let the complainant be imp leaded as opposite party No. 2 in this case. Upon such imp leading, let notice be issued to him under registered cover with A/D as well as by ordinary process. On his present and correct address; to which required etc. must be filed within a week, failing to which this petition shall stand rejected without further reference to the Bench.

9. Put up this case after three weeks.