**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**

**P. Bose Vs. H.C. Sen**

**P. Bose Vs. H.C. Sen**

**SooperKanoon Citation** : sooperkanoon.com/851490

**Court** : Kolkata

**Decided On :** Apr-02-1947

**Reported in** : AIR1947Cal387

**Appellant** : P. Bose

**Respondent** : H.C. Sen

**Judgement** :
ORDER

**Lodge, J.**

1. This rule was issued on the Chief Presidency Magistrate to show cause why the conviction and sentence of the petitioner under Section 40, Electricity Act, should not be set aside. The material facts as found by the learned Presidency Magistrate are as follows: The complainant is the principal of the Calcutta Music School situated at No. 47/], Harrison Road. The building is the property of the debuttar estate of Sree Sree Iswar Gopal Jew of whish the present accused is the managing trustee. The complainant has a separate meter standing in the name of one of the teachers of the school, and pays electric charges direct to the Calcutta Electric Supply Corporation Ltd. There have been disputes with regard to the tenancy between the complainant and the present petitioner. The rent was formerly Rs. 25 per month and has been enhanced to Rs. 40 per month. Apparently, the complainant considered that certain repairs ought to be done

which had not been done and he had moved the Rent Controller in the matter. The present petitioner took offence at that and on 27-4-1946, at about 9-30 A.M. he severed the electric connection of the complainant.

2. On these facts the learned Magistrate found that the petitioner had committed an offence punishable under Section 40, Electricity Act. It has been argued before me that even on the facts found Section 40 has no application. Section 40 so far as we are concerned reads thus:

Whoever maliciously...with intent to out off the supply of energy cuts or injures...any electric supply line or works shall be punishable....

3. The Electric Supply line is defined in Section 2(f) of the Act in this way:

'Electric supply line' means a wire, conductor or other means used for conveying, transmitting or distributing energy together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of so conveying, transmitting or distributing such energy.

'Works' is defined in Section 2(n) of the Act as follows:

'Works' includes electric supply lines and any buildings, machinery or apparatus required to supply energy and to carry into effect the objects of a license, granted under Part II.

4. In my opinion, Section 40, Electricity Act, deals with interference or attempted interference with the supply of electric current by a licensee to a consumer, or more strictly by a licensee to a person to whom the licensee has contracted to supply electricity. In the present case, the complainant had his own meter and therefore his own separate contract with the Electric Supply Corporation, the licensee. Therefore, if the present petitioner with intent to cut off the supply of energy to the complainant cut or injured any 'electric supply line' or 'works' maliciously, he wag rightly convicted; and the question is whether he did out or injure an electric supply line or works. The definition of 'works' given above is so wide that it seems impossible to hold that anybody who cuts the wires or removes

switches or in any way interferes with the connection between the distributing source and the meter of the consumer does not injure the 'works'. In this view it seems to me that the petitioner was rightly held to have maliciously injured the 'works' with intent to cut off the supply of energy and was, therefore, rightly convicted.

5. In the circumstances I see no reason to interfere with the conviction and sentence and I, therefore, order that the Rule be discharged.

**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**