

Court No. - 90

Case :- APPLICATION U/S 482 No. - 28599 of 2023

Applicant :- Sadhu @ Jai Prakash

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Rajnish Dubey

Counsel for Opposite Party :- G.A.,Rishu Mishra

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant, learned counsel for the opposite party Nos.2 and 3 as well as learned AGA and perused the record.

2. The present applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. to quash the charge sheet dated 12.09.2017, cognizance order dated 15.12.2017, order dated 16.05.2023 as well as entire criminal proceedings of SC/ST No.554 of 2017 (State Vs. Sadhu Seth), arising out of Case Crime No.0804 of 2017, under Section 135 Electricity Act, Police Station Kotwali, District Maharajganj, pending in the court of Additional Session Judge, Court No.1, Maharajganj.

3. Levelling allegation of electricity theft, an FIR has been lodged against the present applicant on behalf of the Electricity Department, being Case Crime No.0804 of 2017 dated 02.09.2017, with an averment that to run a beer shop, present applicant (accused) has committed an offence of theft of electricity.

4. After due deliberation at length, learned counsel for the applicant has urged to decide the instant application with a direction, permitting the present applicant to compound the offence under the provisions as enunciated under Section 152 of Electricity Act and till the final outcome of the compounding, he may be protected from any legal action in criminal case under Section 135 of Electricity Act.

5. Learned counsel for the electricity department has no objection in issuing a direction to compound the electricity dues on the request made on behalf of learned counsel for the applicant under the provisions as enunciated under Section 152 of Electricity Act.

6. In this conspectus, as above, no useful purpose would be served

to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without considering on the merits of the case as averred in the instant application, with a liberty to the present applicant that he shall approach before the authority concerned and move an appropriate application within two weeks from today for compounding the electricity dues, if any, which shall be considered and decided by the authority concerned within a period of one month, thereafter.

7. For a period of 50 days or till the decision on the application for compounding, as mentioned, moved on behalf of the present applicant, whichever is earlier, no coercive measure shall be taken against the present applicant in Case Crime No.0804 of 2017 under Section 135 of Electricity Act.

8. With the aforesaid direction, present application is **disposed of**.

Order Date :- 26.10.2023

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