

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15154 of 2023

Petitioner :- Nokhu Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Raj Kumar Pandey, Ram Kumar Pal

Counsel for Respondent :- G.A., Udit Chandra

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Ram Kumar Pal, learned counsel for the petitioner, Shri Nitesh Patel holding brief of Shri Udit Chandra, learned counsel for the respondent no.2 and 4 and Shri G.P. Singh, learned AGA for the State-respondents.

2. This writ petition has been filed seeking a direction to the respondents to ensure fair and proper investigation of the impugned First Information Report dated 23.05.2023, registered as Case Crime No.1081 of 2023, under Sections 138(1) (b) of the Indian Electricity Act, Police Station Anti Power Theft, District Chandauli.

3. Learned counsel for the petitioner states that the petitioner will apply for compounding before the competent authority as per the provisions of section 152 of the Indian Electricity Act, 2003.

4. Learned counsel for the respondents states that if the petitioner applies for compounding within two weeks from today, his application for compounding shall be considered in accordance with law and appropriate order shall be passed thereon.

5. In view of the aforesaid and without expressing any opinion on merits of the petitioner, this writ petition is disposed of giving liberty to the petitioner to apply for compounding before the competent authority in accordance with law within two weeks from today along with a copy of this order and in the event a compounding application is filed by the petitioner, the same shall be considered and decided by the competent authority in accordance with law within next one week.

6. For a period of three weeks from today, no coercive action shall be taken against the petitioner.

Order Date :- 19.10.2023

Nitendra