

Court No. - 92

Case :- APPLICATION U/S 482 No. - 39841 of 2023

Applicant :- Ajay Pratap Singh

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

Counsel for Applicant :- Shailendra Kumar Ojha, Ashutosh Mishra

Counsel for Opposite Party :- G.A., Baleshwar Chaturvedi

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Sunil Tiwari, Advocate holding brief of Sri Ashutosh Mishra, learned counsel for the applicant, Sri Satyendra Yadav, Advocate holding brief of Sri Baleshwar Chaturvedi, learned counsel for opposite party no.2 and Sri Pankaj Srivastava, learned AGA for the State.

2. The instant application has been filed seeking quashing of the entire proceeding of S.T. No.333 of 2023 (State vs. Ajay Pratap Singh), arising out of Case Crime No. 1276 of 2020, under Section 135(1)(b) Electricity Act (Amendment), 2003, P.S. Anti Power Theft, Kanpur Dehat, District Kanpur Dehat, pending in the Court of Additional District Judge, Court No. 4, Kanpur Dehat.

3. Learned counsel for the applicant submits that since the offence as alleged against the applicant is a compoundable offence, he is ready and willing to compound the offence by making payments, which may be due against the applicant. Learned counsel for the applicant further submits that as of now there is a scheme for OTS is prevalent in the electricity department, benefit of the same can be given to the applicant.

4. Learned counsel for the opposite party no.2 admits that as on today there is an OTS scheme, which is prevalent and benefit of the same can be given to the applicant, if he applies for the same.

5. In view thereof, the applicant is directed to apply before the concerned Executive Engineer, Dakshinanchal Vidyut Vitran Nigam Limited within two weeks from today for compounding the offence under the OTS scheme prevalent as on date. On such application filed by the applicant, the Executive Engineer concerned will assess all his claims in accordance with the OTS scheme and after assessment, the due amount shall be intimated within one week thereafter to the applicant and on such

intimation, the applicant undertakes to deposit the entire due amount against him after the adjustment made as per the OTS scheme within two weeks thereafter. On such payment is made, the opposite party no.2 and 3 and the applicant shall apply to the trial court concerned for compounding the funds as per Section 152 of the Electricity Act within two weeks of the payment made by the applicant.

6. Till the period of six weeks, no coercive steps shall be taken against the applicants.

4. With the aforesaid observations, the instant application is **disposed of.**

Order Date :- 8.12.2023

Ashish Pd.