

Court No. - 92

Case :- APPLICATION U/S 482 No. - 44869 of 2023

Applicant :- Maan Singh Vishwakarma Alias Manjee Vishwakarma

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

Counsel for Applicant :- Sharad Shekhar Sharma, Arvind Kumar Srivastava

Counsel for Opposite Party :- G.A., Sushil Kumar Pandey

Hon'ble Anish Kumar Gupta, J.

1. Heard Shri Sharad Shekhar Sharma, learned counsel for the applicant, Shri Sushil Kumar Pandey, learned counsel for the opposite party no. 2 and 3 and Shri Anish Kumar Upadhyay, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of the entire proceedings of Case No. 307 of 2023 (State of U.P. Vs. Maan Singh) arising out of Case Crime No. 427 of 2021 under section 135 of Indian Electricity Act (Amendment) 2003 police station Anti Power Theft Bhadohi District Bhadohi pending in the court of Special Judge/Addl. Sessions Judge-I, Bhadohi, Charge sheet No. 012 of 2023 dated 11.1.2023 as well as the cognizance and summoning order dated 10.7.2023.

3. Learned counsel for the applicant submits that the instant case has been registered against the applicant under section 135 of the Electricity Act, 2003, which is a compoundable offence under section 152 of the Electricity Act. Learned counsel for the applicant further submits that the applicant is ready and willing to compound the said offence by making the payment of the amount assessed against him if any benefit of the One Time Settlement Scheme floated by the Department is given to him.

4. Learned counsel for the opposite party no. 2 and 3 informs the court that the said One Time Settlement Scheme was available to the customers only till 30.11.2023. However, if the court directs, the benefit of the same may be given to the applicants.

5. In the peculiar facts and circumstances of the case, the instant application is **disposed of** with a direction that the applicant shall apply before the opposite party no. 2 for one time settlement of all the electricity dues against him within a week from today. On

such application the opposite party no. 2 is directed to assess the amount giving the benefit of One Time Settlement Scheme which was prevalent earlier, without raising any objection in respect of delay in availing the said Scheme, within a week thereafter. On such assessment made by the opposite party no. 2, the applicant shall deposit the said assessed amount in terms of the OTS Scheme within a week thereafter. Thereafter on such deposit of the amount by the applicant, the opposite party no. 2 and the applicant shall move before the concerned trial court for compounding of the offence in terms of Section 152 of the Electricity Act, which shall be decided by the concerned trial court in accordance with law.

Order Date :- 15.12.2023

o.k.