

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7934 of 2023

Petitioner :- Yash Maurya

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Home Lko. And Others

Counsel for Petitioner :- Firoz Ahmad Khan

Counsel for Respondent :- G.A., Neera Yadav, Neera Ya

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents no.1 to 6.

2. This petition has been filed praying the following reliefs:-

(i) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 02.09.2023 vide Case Crime No. 1280 of 2023, under Section 135 (1)(c) of the Electricity Act, 2003, lodged at Police Station- Anti Power Theft, District- Gonda as contained in Annexure-1 to this writ petition.

(ii) Issue a writ, order or direction in the nature of Mandamus directing the opposite parties not to arrest the petitioner on the basis of impugned First Information Report dated 02.09.2023 registered at FIR/Case Crime No.1280/2023, under Sections 135(1)(c) of Electricity Act, 2003, Police Station - Anti Power Theft, District - Gonda, as contained in Annexure No.1 to the writ petition, in the interest of justice.

3. This Court is of the opinion that the petitioner has statutory remedy of filing representation before the Executive Engineer of the Distribution Division concerned under Section 152 of the Electricity Act.

4. This writ petition is **disposed of** with a direction to approach the opposite party no.6 by way of filing representation within two weeks from today. The petitioner shall complete all formalities as required for moving of such representation.

5. The opposite party no. 4 shall take a decision on the representation of the petitioner within a period of six weeks.

6. For a period of eight weeks or till the decision taken by the opposite party no. 6, whichever is earlier, the arrest of the petitioner shall remain stayed.

Order Date :- 7.11.2023

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