

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8045 of 2023

Petitioner :- Suresh Kumar Yadav

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lucknow And Others

Counsel for Petitioner :- Durgesh Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Impleadment applicant filed today is allowed.

Let necessary impleadment be carried out during the course of the day.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents and learned counsel appearing for the Purvanchal Vidyut Vitram Nigam Limited.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 7.4.2021 vide case crime no. 491 of 2021 under Section 135 of the Electricity Act, lodged at Police Station- Anti Power Theft Thana Pratapgarh, District- Pratapgarh (Anti Power Theft) as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

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.

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

The opposite party no. 6 shall take a decision on the

representation of the petitioner within a period of six weeks.

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 :- 6.11.2023

Anuj Singh