

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8367 of 2023

Petitioner :- Ramesh Nishad

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

Counsel for Petitioner :- Kamlesh Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1 to 5.

(2) Impleadment application filed today is taken on record. It has been filed after service upon Shri Manish Jauhari. Shri Manish Jauhari, is present in Court. The application is allowed. Let necessary incorporation be done during the course of the day.

(3) This petition has been filed by the petitioner for the following main prayer:-

"1) issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned First Information Report No.1571 of 2022, under Section 135-1 (c) of Electricity (Amendment) Act, 2003, at Police Station Anti-Power Theft Ambedkar Nagar, District Anti-Power Theft, Ambedkar Nagar, contained as Annexure No.1 to this writ petition, so far as it relates to the petitioner."

(4) Learned A.G.A. has pointed out that the petitioner has alternate remedy under Section 152 (2) of the Electricity Act, before the Executive Engineer of the Distribution Division concerned.

(5) This writ petition is finally **disposed of** with a direction to the petitioner to approach the Executive Engineer, Vidyut Vitran Khand Madhyanchal Vidyut Vitaran Khand Nigam Ltd, Jalalpur, District Ambedkar Nagar, by way of filing an application complete in all respects **within two weeks from today**. The Executive Engineer shall take appropriate decision after completion of all formalities

within **six weeks thereafter.**

(6) For a period of eight weeks or till decision is taken by the Executive Engineer concerned, whichever is earlier, the petitioner namely Ramesh Nishad, shall not be arrested in pursuance of the impugned First Information Report No.1571 of 2022, under Section 135-1 (c) of Electricity (Amendment) Act, 2003, at Police Station Anti-Power Theft Ambedkar Nagar, District Anti-Power Theft, Ambedkar Nagar, , dated 26.03.2023 subject to his full cooperation in the investigation. .

Order Date :- 7.11.2023

N.PAL