

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8523 of 2023

Petitioner :- Ravi Kumar

Respondent :- State Of U.P. Thru. Secy. Home Civil Sectt. U.P. Govt. Lko. And Others

Counsel for Petitioner :- Abhishek Tiwari, Vinod Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

This petition has been filed with the following main prayer:-

"Issue a writ, order or direction in the nature of CERTIORARI to quash the impugned F.I.R. dated 07.08.2021, F.I.R. No.658/2021, Under Section-135 Indian Electricity Act, Police Station- Anti Power Theft, District- Lakheempur Kheri, contained as Annexure No.1 to this writ petition."

The petitioner has impleaded the Madhyanchal Vidyut Vitran Nigam Limited through the Sub Divisional Officer, Vidyut Vitran Khand Illrd, Nighasan, the Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd, Lucknow and the Executive Engineer, Vidyut Vitran Khand Illrd, Nighasan as respondent nos.5, 6 and 7 respectively.

Sri Amit Dwivedi, learned counsel appearing for the Madhyanchal Vidyut Vitran Nigam Ltd., is present. He has pointed out that the petitioner has statutory remedy under Section 152 (2) of the Electricity Act, before the Executive Engineer of the Distribution Division concerned.

This writ petition is finally ***disposed of*** with a direction to the petitioner to approach the Executive Engineer, Vidyut Vitran Khand III, Nighasan, District Lakhimpur Kheri, 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.

For a period of eight weeks or till decision is taken by the Executive Engineer concerned, whichever is earlier, the petitioner namely Ravi Kumar, shall not be arrested in pursuance of the impugned First Information Report No.0658 of 2021, under Section 135 of Electricity Act, at Police Station Anti-Power Theft Kheri, District Anti-Power Theft, Kheri, dated 07.08.2021, subject to his full cooperation in the investigation.

Order Date :- 1.12.2023
Rahul