

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8913 of 2023

Petitioner :- Heera Lal

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

Counsel for Petitioner :- Akhand Pratap Verma

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, 2 & 3.

(2) 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 quashing the impugned First Information Report dated 24.12.2022 registered as F.I.R. No.1764 of 2022, under Sections 135-1 (a) of the Indian Electricity Act (Amendment) Act, 2003, at Police Station Anti Power Theft Ambedkar Nagar, District Ambedkar Nagar, as contained in Annexure No.1 to the writ petition."

(3) Learned counsel for the petitioner has impleaded the Madhyanchal Vidyut Vitran Nigam Limited (M.V.V.N.L.) through its Executive Engineer, Electricity Distribution Division, Jalalpur Sub Station, Newada, Ambedkar Nagar, as Opposite party in the array of the parties. A copy has been received by Shri Manish Jauhari, learned Standing counsel appearing for the M.V.V.N.L.

(4) Shri Manish Jauhari, 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.

(5) The writ petition is finally **disposed of** with a direction to the petitioner to approach the Executive Engineer of the Distribution Division concerned by way of filing an application complete in all respects **within two weeks from today**. The Executive Engineer shall take an

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 Heera Lal, **shall not be arrested** in pursuance of the impugned F.I.R. dated 24.12.2022 registered as F.I.R. No.1764 of 2022, under Sections 135-1 (a) of the Indian Electricity Act (Amendment) Act, 2003, at Police Station Anti Power Theft Ambedkar Nagar, District Ambedkar Nagar, subject to his full cooperation in the investigation.

Order Date :- 30.11.2023

N.PAL