

Court No. - 15

Case :- APPLICATION U/S 482 No. - 12115 of 2023

Applicant :- Adarsh Kumar Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Home Civil
Secrt. Lko. And Another

Counsel for Applicant :- Abdul Alim Khan

Counsel for Opposite Party :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Abdul Alim Khan, the learned counsel for applicant and Sri Ashok Kumar Singh, the learned A.G.A. for State and Shri Amit Kumar Dwivedi, the learned counsel for Power Corporation and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicant- Adarsh Kumar Singh, with a prayer to quash the criminal proceedings of S.T. No. 39/2010: State Vs. Adarsh Kumar Singh, arising out of Case Crime No. 2334/2009, under Sections 135 of the Electricity Act, 2003, pertaining to the Police Station Kotwali Sadar, District Sitapur as well as non-bailable warrant dated 21.11.2023 issued by the court of learned Fourth Additional District Judge Sitapur.

Sri Abdul Alim Khan, the learned counsel for applicant submits that since offence in question is compoundable and the applicant is ready to settle the matter, therefore, some time may be granted to him for the said purpose and to approach the authority concerned under Section 152 of the Electricity Act.

Shri Amit Kumar Dwivedi has no objection if the offence is compounded under Section 152 of the Electricity Act.

Shri Ashok Kumar Singh, learned A.G.A. has also no objection.

Having regard to the facts and circumstances of case and having considered the submissions made by learned counsel for parties and keeping in view the willingness shown by learned counsel for applicant, this Court is of the view that no useful purpose would be served by keeping this application pending.

In view of above, the applicant is directed to move an application under the relevant provisions of Electricity Act before the concerned authority within one month from today. If such an application along with the certified copy of this order is moved by applicant before the authority concerned within the stipulated period, same shall be considered and decided by the

authority concerned expeditiously, preferably within a period of two months from the date of production of same in accordance with law after hearing the parties concerned.

For a period of three months or till the disposal of said application, whichever is earlier, no coercive action shall be taken against applicant in the aforesaid case.

In case of default on the part of applicant, interim protection granted to applicant shall automatically come to an end.

With the aforesaid observations, this application stands finally **disposed of.**

Order Date :- 13.12.2023

Arvind