

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9633 of 2023

Petitioner :- Narendra Kumar

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

Counsel for Petitioner :- Vinod Kumar

Counsel for Respondent :- G.A.,Amit Kumar Dwivedi

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 State and Shri Amit Kumar Dwivedi, who has filed his Caveat on behalf of the Opposite party no.5 -M.V.V.N.L.

(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 to quash the impugned F.I.R. dated 28.08.2023, relating to F.I.R./ Case Crime No.1587/2023, under Section 135 (1)-b Indian Electricity Act, at Police Station Anti-Power Theft, District Ayodhya, as contained in Annexure No.1 to this writ petition."

(3) Shri Amit Kumar Dwivedi, learned counsel appearing for the Madhyanchal Vidyut Vitran Nigam Limited, 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.

(4) This writ petition is **disposed of** with a direction to the petitioner to approach the Executive Engineer, Vidyut Vitran U.P. Kendra, Kumarganj, District Ayodhya, 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**.

(5) For a period of **Eight weeks or till decision is taken by the Executive Engineer concerned, whichever is earlier**, the petitioner namely Narendra Kumar, shall not be arrested in pursuance of the impugned First

Information Report dated 28.08.2023, relating to F.I.R./
Case Crime No.1587/2023, under Section 135 (1)-b
Indian Electricity Act, at Police Station Anti-Power Theft,
District Ayodhya, subject to his full cooperation in the
investigation.

Order Date :- 19.12.2023
N.PAL