

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48107 of 2012

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Rajendra Prasad son of Late Parsuram Sah, resident of village-Neoun, P.S.-
Neoun, District- Kaimur at Bhabua

.... Petitioner/s

Versus

1.State of Bihar

2. Marajul Haque son of Late Sirajul Haque, Assistant Electrical Engineer,
Ramgarh (Kaimur), Village & P.O.-Markana, P.S.-Hussainaganj, District-
Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/ : Mr Shyam Bihari Singh, Advocate
: Mr. B.P.Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 22-04-2015 This application under section 482 of the Code of Criminal Procedure (hereinafter referred to as “the Code) has been filed for quashing of the order dated 12th March, 2012 passed by the learned Chief Judicial Magistrate, Bhabua (Kaimur) in G.R. No.1735 of 2011 (Tr. No.147 of 2012) arising out of Ramgarh (Neoun) P.S. Case No.118 of 2011 by which he has taken cognizance for the offence punishable under section 135 of the Indian Electricity Act.

The FIR was registered on the basis of written report submitted by an Assistant Electrical Engineer, Ramgarh to the Officer Incharge of Police Station of Ramgarh (Neoun) on 22.9.2011. The petitioner is one of the accused persons named in the FIR. There is specific allegation against him in the written

report that he was found dishonestly abstracting and consuming electricity even though his electric connection was already disconnected by the authority of the Electricity Board due to non-payment of bill.

The police investigated the case and found the allegation made in the first information report to be true and, accordingly, a report under section 173(2) of the Code was filed before the Special Judge (Electricity), Magadh Area, Gaya. The Special Judge, after considering the allegations made in the first information report, the substance of allegations recorded in the police report submitted under section 173(2) of the Code of Criminal Procedure and the statement of the witnesses recorded under section 161(3) of the Code, found a prima facie case to be made out against the petitioner and, accordingly, took cognizance of the offence punishable under section 135 of the Indian Electricity Act.

Regard being had to the facts and circumstances of the case, I find no illegality in the order passed by the learned Special Judge (Electricity) Magadh Area, Gaya. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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