

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47891 of 2012

Arising Out of PS.Case No. -135 Year- 2010 Thana -null District- PURNIA

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Umesh Kumar Sah, son of Munni Lal, resident of village-Mohania Chakla, P.S.-
Banmankhi, Dist.-Purnia. Petitioner

Versus

1. The State of Bihar through Chief Engineer Bihar State Electricity Board, Bihar,
Patna.
2. Superintendent Engineer, Electricity Supply Division, Patna.
3. Assistant Electric Engineer, Electric Supply Sub Division Banmankhi, District-
Purnia.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-04-2015

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 5.6.2012 passed by the learned Chief Judicial Magistrate, Purnea in Banmankhi P.S. Case No. 135 of 2010 whereby the learned Chief Judicial Magistrate, Purnea took cognizance for the offence punishable under Section 135 of the Electricity Act, 2003.

The allegations made in the first information report do attract ingredients of the offence punishable under Section 135 of

the Electricity Act (hereinafter referred to as “the Act”). The police investigated the case and found the allegations to be true in course of investigation and, accordingly, submitted a report under Section 173(2) of the Code of Criminal Procedure before the learned Chief Judicial Magistrate, Purnea pursuant to which finding a prima facie case to be made out against the petitioner, the learned Chief Judicial Magistrate took cognizance of the offence in terms of the powers conferred on him under Section 153(4) of the Act.

I find no illegality in the order. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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