

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 40814 of 2012

Arising out of P.S. Case No. -74 Year- 2011 Thana –Hajipur
Industrial Area District- VAISHALI (HAJIPUR)

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Krishna Kumar Bansal S/o Late Santlal Bansal Resident of D- 958,
New Friends Colony, P.S- Friends Colony, District- Delhi.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Jay Shankar Jha S/o Late Namo Narayan Sharma Executive
Engineer, Bihar State Electricity Board, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kejriwal, Adv.

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

The Petitioner seeks quashing of the order of
cognizance dated 17.06.2012 passed by the Chief Judicial
Magistrate, Vaishali at Hajipur in Hajipur Industrial Area
P.S. Case No. 74 of 2011.

The case of the Informant is that when the
house of the Petitioner was raided it was found that the
electricity meter was unsealed and tampered and
electricity was being stolen.

It has been submitted on behalf of the Petitioner
that as per the Board's Circular it is that just because a
meter is found tampered or broken it would not be
presumed that there has been theft of electricity. Further
submission is that the report of the installation is that

meter prior to institution of the case was found to be up to mark.

The submission in the alternative is for setting aside the order of cognizance so far as Section 379 is concerned.

Since the factual aspects of inspection, reports of installation and Board's Circular are such matters which can not be gone into at this stage, I am not inclined to interfere in the matter.

Also since it is well known that cognizance is not taken of a particular offence but of the case as a whole and what offence is made out in the facts of the case is best determined at the stage of charge, I see no reason for entertaining the alternative submission.

The application is dismissed.

(Anjana Prakash, J.)

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