

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.537 of 2014

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Anil Kumar Sinha, S/O Late Gauri Shankar Sinha, resident of B/160, Budha Colony, Patna- 800001

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Energy Department, Government of Bihar, null 8 Daroga Rai Path, Patna-1
2. The Principal Secretary, Energy Department, Government of Bihar, 8 Daroga Rai Path, Patna-1
3. The Bihar State Power Holding Company Ltd., through its Chairman, situated at 1st Floor, Vidhyut Bhawan, Bailey Road, Patna- 1
4. The Chairman-cum-Managing Director, Bihar State Power Holding Company Ltd., 1st Floor Vidhyut Bhawan, Bailey Road, Patna- 1
5. The Superintendent of Police, Motihari, East Champaran
6. The Station House Officer, Muffasil Police Station, Motihari, East Champaran
7. Wasim Raza, the Assistant Electrical Engineer, Electric Supply Sub-Division, Motihari, S/o Md. Abbas, resident of Village- Deurawa, P.S.- Lauriyam, District- West Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

For the Respondent/s : Mr. Sunil Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-02-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks quashing of the first information

report of Mufassil P.S. Case No. 104 of 2014 registered for the offence punishable under Section 135 of the Electricity Act, 2003.

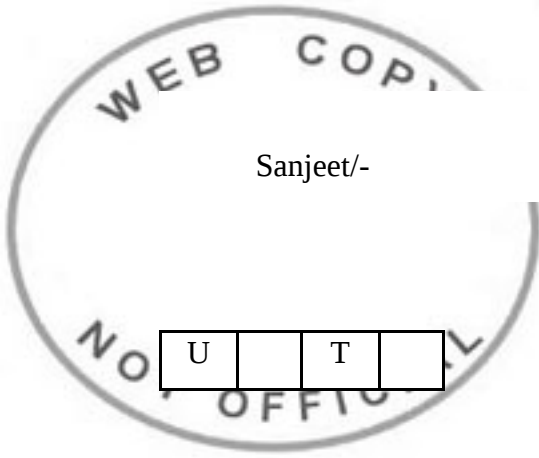
According to the prosecution case instituted on the basis of written report of one Wasim Raza, Assistant Electrical Engineer, Electric Division, Motihari, it has been alleged that on the basis of confidential information, the premises of M/s. Shankar Re-rolling Mill was raided on 16th April, 2014 by the officers of the Electricity Company and it was found that the electricity was being consumed dishonestly by using *toka* by illegal means in the main line causing a loss of Rs. 34, 526/- to the company.

Learned counsel for the petitioner has stated that the informant of the case has launched the prosecution with ulterior motive. In support of his contention, he has placed reliance on several documents annexed to the present application.

In my view, the defence documents cannot be looked into at the stage of investigation for holding the prosecution case bad in law. To hold investigation into a cognizable offence is the statutory right of a police. At this stage, the Court has only to see as to whether the allegations made in the FIR do constitute a cognizable offence or not. The allegations made in the FIR *ex facie* constitute a cognizable offence.

In that view of the matter, I am not inclined to entertain

the present application. Accordingly, the application is dismissed.



(Ashwani Kumar Singh, J.)

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