

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.141 of 2015

Arising Out of PS.Case No. -21 Year- 2013 Thana -MAGADH UNIVERSITY District- GAYA

1. Ainul Hassan Khan Son of Late Abdul Hassan Khan Resident of Village- Sahdeo Khap, P.S.- Magadh University, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar
2. The Bihar Electricity Board, Presently South Bihar Holding Power Corporation Ltd. Patna.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Ramchandra Sahni, Adv.

For the Respondent/s : Mr. Bipin Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-03-2015

This appeal under section 374(2) of the Code of Criminal Procedure read with section 156 of the Electricity Act, 2003 has been filed against the judgment of acquittal dated 3rd December, 2014 passed by the learned Special, Electricity, Magadh Area, Gaya in G.R. No. 42 of 2013/ Tr. No. 302 of 2014 arising out of Magadh University P.S.Case No.21 of 2013.

In my considered opinion, this appeal is thoroughly misconceived. Section 374(2) of the Code of Criminal Procedure entitles a person convicted on a trial held by a Sessions Judge or an Additional Sessions Judge or on a trial held by the Sessions Judge or Additional Sessions Judge or on trial held by any other Court in

which a sentence of imprisonment for more than seven years has been passed against him or against any other person convicted at the same trial, to file appeal to the High Court. Section 156 of the Electricity Act, 2003 confers power to this Court to entertain an appeal or revision against the judgment and order of Special Court or of the court of Sessions trying the cases under the Electricity Act, 2003.

By no stretch of imagination, an appeal would lie before this Court on behalf of the accused, who has been acquitted for the offence punishable under the Electricity Act, 2003.

The appeal, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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