

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.773 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

Sanjay Kumar @ Sanjay Sahu, S/o Sudarsan Sah, Resident of Village- Sheopur,
P.S.-Jagdishpur, District- Bhojpur. Petitioner

Versus

1. The State of Bihar.
2. The Managing Director, South Bihar Power Distribution Company.
3. The Assistant Electrical Engineer, Electric Supply Sub-Division, Bikramganj, Rohtas.
4. The Superintendent of Police, Rohtas.
5. The Officer in Charge, Bikramganj Police Station, Rohtas.
6. The Sub-Divisional Magistrate, Bikramganj, Rohtas. Respondents

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate
For the SBPDCL : Mr. Akhileshwar Singh, J.C. to Mr. Vinay Kirti Singh,
Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-02-2015

Heard learned counsel for the petitioner and learned
counsel for the State as well as learned counsel appearing on behalf
of the South Bihar Power Distribution Company Ltd.

This application under Articles 226 and 227 of the
Constitution of India has been filed for quashing the prosecution of
the petitioner in Bakramganj P.S. Case No. 21 of 2013 dated
5.2.2013 registered inter alia for the offences punishable under
Sections 135 and 138 of the Indian Electricity Act, 2003.

Learned counsel for the petitioner contends that the allegations against the petitioner have been made by the informant of the case with ulterior motive. He further submits that the petitioner is not the owner of the M/s New Quality Sweets. The owner of the said shop is one Ajay Kumar Gupta.

On the other hand, learned counsel for the South Bihar Power Distribution Company Ltd. has submitted that the said FIR has been instituted against altogether 13 named accused who were found committing theft of electrical energy by putting hook over the main L.T. line.

I have heard the parties and perused the FIR. The allegations made in the FIR do disclose commission of a cognizable offence. The defence of the petitioner cannot be a ground for quashing the first information report. The plausible defence of the accused has to be considered by the investigating agency in course of investigation. In case allegations made in the FIR are found false, the police can submit a final report.

In that view of the matter, I find no merit in the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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