

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19018 of 2015

Arising Out of PS.Case No. -259 Year- 2013 Thana -CIVIL LINE District- GAYA

1. Binod Kumar Gupta Son of Late Gupteshwar Prasad Gupta Resident of Mohalla-Gudar Pandey Lane, Manpur, P.S- Buniadganj, District-gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Ltd., Bihar at Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramashish, Adv.
For the State : Mr. Binod Kumar, APP
For Opposite Party No.2 : Mr. Vikash Chandra Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-05-2015

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

In the present application filed under section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the order dated 09.09.2013 passed in Civil Lines P.S.Case No. 259 of 2013, whereby the learned Special Judge, Electricity, Gaya has found a prima facie case to be made out under section 135 of the Electricity Act, 2003 and summoned the petitioner to face trial.

The allegations made in the First Information Report do attract the ingredients of the offence punishable under section 135 of the Electricity Act, 2003. In course of investigation, the witnesses

have supported the prosecution case and accordingly the police have submitted report under section 173(2) of the Code of Criminal Procedure before the learned Special Judge, Electricity, Gaya, pursuant to which the impugned order dated 09.09.2013 has been passed.

Regard being had to the facts and circumstances of the case, I find no illegality in the impugned order dated 09.09.2013 passed in Civil Lines P.S.Case No.259 of 2013, corresponding to G.R. No. 282 of 2013, Trial No. 427 of 2014. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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