

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRR-3276-2014

Date of decision : 06.02.2015

Raghbir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Vivek Khatri, Advocate
for the petitioner.

Mr.Ankur Malik, AAG, Haryana
assisted by Mr.P.S.Punia, Advocate
for UHBVNL.

REKHA MITTAL, J.

The present petition lays challenge to order dated 11.08.2014 passed by the Sessions Judge, Jind whereby charge under Section 135 of the Electricity Act 2003 has been framed against the petitioner.

Counsel for the petitioner contends that as per the checking report dated 07.08.2013 (Annexure P1), the name of the consumer and his account number in column No.1 (unnumbered) has been mentioned as Ram Kumar son of Moji Ram, account No.AK-2/40 and the checking report does not bear signatures of the petitioner. In pursuance of said checking report, the Sub Divisional Officer, Uttar Haryana Bijli Vitran Nigam Limited (in short 'UHBVNL') issued show cause notice to said Ram Kumar son of Moji Ram calling upon him that an amount of Rs.82,141/- has been assessed qua theft of electricity noticed during inspection of the tubewell connection.

Thereafter, the FIR dated 28.09.2013 was registered against said Ram Kumar. Later, an application dated 13.02.2014 (Annexure P4) was sent by the SDO (OP), Sub Division, Pilukhera to the SHO, I&P Jind indicting the petitioner in the crime. It is argued with vehemence that keeping in view the name and account number mentioned in the checking report and the proceedings conducted subsequent thereto, the petitioner has been wrongly charged for committing offence punishable under section 135 of the Act.

Counsel for the respondent assisted by Sh.P.S.Punia, Advocate for UHBVNL would submit that the petitioner is guilty of misstating his name as Ram Kumar son of Moji Ram and he furnished account number of somebody else. The petitioner was present at the spot at the time of checking conducted by Sh.Ami Chand but he refused to sign the checking report. It is further submitted that since the meter which has been issued in the name of the petitioner was checked by the concerned official of the DHBVN, Pillukhera, the petitioner cannot take advantage of his cleaveriness by wrongly stating the name of his brother and account number of somebody else. It is further argued that at the stage of framing of charge, the Court cannot embark upon an inquiry to analyze truth or falsity of the allegations and charge can be framed on the basis of strong suspicion. Any plea which may be raised during defence cannot be taken into consideration at this stage to find fault in the impugned order.

I have heard counsel for the parties and perused the records.

The checking report Annexure P1 has ten columns (unnumbered). Indisputably, in column No.1, the name of consumer and account number has been mentioned as highlighted by counsel for the

petitioner. However, column No.3 is in respect of meter detail which has been further bifurcated in two parts i.e. number, make and meter reading. There is reference to 431382 Baltex beneath number and make of meter. Counsel for the petitioner, on a pointed query by this Court, has fairly conceded that the said meter belongs to the petitioner. Keeping in view the allegations of the complainant that the petitioner committed a mischief by disclosing name of the consumer and account number wrongly coupled with the factum that the petitioner has not denied that the meter detail in the checking report pertains to him, I find myself unable to accept the submissions of the petitioner that the trial Court has committed any error much less illegality in framing the charge.

For the reasons aforesaid, the petition fails and is accordingly dismissed. However, nothing stated in this order would prejudice final adjudication of the case on merits.

(REKHA MITTAL)
JUDGE

February 06, 2015.

DK