

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.6352 of 2015**

Arising Out of PS.Case No. -64 Year- 2013 Thana -MITHANPURA District- MUZAFFARPUR

Rajni Devi @ Rajani Devi wife of Rajoo Sah @ Raj Kishore, resident of Mohalla-  
Rambagh Road, Mithan Gali, Police Station- Mithanpura, District- Muzaffarpur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The South Bihar Power Distribution Corporation, Bihar, Patna

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. P.L.Jaiswal, Advocate  
: Mr. Braj Mohan Kumar, Advocate  
For the Opposite Party/s : Dr. Mayanand, Jha, APP.

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 15-02-2016**

By way of the present application under section 482 of the Code of Criminal Procedure the petitioner has challenged the order dated 22.10.2014 passed by the learned Special Judge, Muzaffarpur, in connection with Mithanpura P.S. Case No.64 of 2013 whereby and where under after taking cognizance of the offence punishable under sections 135 of the Electricity Act, 2003, he has summoned the petitioner to face trial.

2. It has been contended by the learned counsel for the petitioner that no theft of electricity was being committed by the petitioner and a false case was instituted by the officials of the electricity department. It has further been contended that a fake search

and seizure list was prepared by the raiding team and without there being any cogent evidence the police have submitted charge-sheet against the petitioner pursuant to which the court has taken cognizance of the offence.

3. Learned counsel for the State has contested the matter. He has submitted that the petitioner is one of the FIR named accused persons. There is specific allegation that due to heavy dues upon the petitioner, the electric connection given to the petitioner was already disconnected and despite that she was found stealing power by tapping main L.T. line. The search and seizure was conducted in accordance with law and even during investigation, the investigating officer found sufficient materials against the petitioner and, hence, charge-sheet has already been submitted against the petitioner pursuant to which cognizance has been taken.

4. I have heard respective counsel for the parties and perused the record.

5. There is allegation against the petitioner in the FIR of committing theft of electricity by hooking into power supply. There is nothing on the record on the basis of which it can be said that the search and seizure was not made as per the law. From perusal of the record, it would appear that taking into consideration the allegation made in the FIR, the materials collected during investigation and the

report submitted under section 173 (2) of the Code of Criminal Procedure, the learned Special Judge, Muzaffarpur found prima facie material to proceed against the petitioner for the offence under section 135 of the Electricity Act, 2003.

**6.** In that view of the matter, I find no illegality in the impugned order. Accordingly, the application, being devoid of any merit, is hereby dismissed.

**(Ashwani Kumar Singh, J)**

Md.S./-

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