

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9033 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -SIWAN CITY District- SIWAN

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Md. Umar, Son of Late Abdul Rasid, Resident of Nai Qila, P.O.-Siwan,
P.S.-Siwan Town, Dist Siwan

.... Petitioner

Versus

1. The State of Bihar.
2. Sri Vivek Kumar Son of Sri Amrendra Kumar Singh, Junior Electrical Engineer, Electric Supply, Sub Division, Section-II, Siwan (Urban)

.... Opposite Parties

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Appearance:

For the Petitioner : Mrs. Madhuri Lata, Adv.
For the Opposite State : Mr. A.L.Pandit (APP)
For the Power Holding Company: Mr. Anand K. Ojha, A.S.C.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 26-09-2016 Heard learned counsel for the petitioner, learned

counsel for the Power Holding Company and learned counsel for

the State.

This application has been filed for quashing the

F.I.R. being Siwan Town P.S. Case No. 50 of 2016 lodged

against the petitioner for the offence under Section 135/138 of

the Electricity Act.

Allegation has been made that the petitioner was

consuming the power bypassing the meter.

Learned counsel for the petitioner submits that the

petitioner has been paying the electric bill as per the bill raised

against him and so much so that when the meter was taken for checking, it was found that same amount of electric unit was there what has been charged from the petitioner.

These are the questions of fact, cannot be looked into at this stage, it can be seen at the appropriate stage. However, in terms of Section 152 of the Electricity Act, 2003, the petitioner may exercise the option. If the petitioner exercises such option, the court below will take cognizance of the aforesaid provision and pass appropriate order in accordance with the law.

With the aforesaid observations and directions, this application is dismissed.

(Shivaji Pandey, J)

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