

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.508 of 2016

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1. Dr. Sujeet Kumar, Son of Late Ramavtar Sao, Resident of Bodh Gaya, Shiva Hotel in front of Main Temple, Bodh Gaya, P.S.- Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, Electricity Department through its Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
3. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
4. The South Bihar Power Distribution Company Ltd. through its M.D. having its Office at Vidhut Bhawan, Bailey Road, Patna.
5. The Chief Engineer, Electricity Supply Area, Gaya.
6. The Electrical Executive Engineer, Electric Supply Division, Gaya. null null
7. The Electrical Superitending Engineer, Electric Supply Circle, Gaya.
8. The Assistant Electrical Engineer, Electric Supply Subn Division, Gaya.
9. The District Magistrate, Gaya.
10. The C.E.O., India Power Corporation, Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan
For the Respondent/s : Mr. Dr. Anil Kumar Upadhyaya
Mr. Naresh Prasad, AC to SC-2.
For Respondent No.2 : Mr. Vikash Chandra Srivastava

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 04-08-2016

This application has been filed seeking quashing of the First Information Report of Bodh Gaya P.S. Case No. 427 of 2015, disclosing offence under Section 135 of the Electricity Act.

The First Information Report came to be registered, on the basis of the written report of Deputy Manager, India Power Corporation Limited, a Franchisee of South Bihar Power Distribution Company Limited.

Allegedly, a raid was conducted in the business premises (Hotel) owned by the petitioner and it was detected that with the help of resistance, applied to three phases, theft of electricity was being committed, causing loss to the tune of Rs. 2, 38, 673/- to the company.

It cannot be said, on the basis of allegation, made in the First Information Report, that no cognizable offence is made out, necessitating this Court to quash the First Information Report itself.

Learned Counsel appearing on behalf of the petitioner has vehemently argued that the raid was conducted behind the back.

This can be a plea of the petitioner's defence, which he can take, at the appropriate stage. The First Information Report, in my opinion, cannot be quashed on that basis. It has also been submitted that there has been two days delay, in lodging of the First Information Report and therefore, also, this Court should exercise power under Articles 226 and 227 of the Constitution of India, quash the First Information Report. The submission is wholly misconceived. On the ground of such delay in lodging of the First Information Report, cannot be quashed.

I do not find any merit in this application.

This application is, accordingly, dismissed.

However, this order will not come in way of the petitioner, raising any legal plea, at the stage of taking of cognizance or framing of charge, as may be legally permissible to him. The petitioner shall also have liberty to apply for compounding of the offence, after depositing compounding fee, in accordance with law.

(Chakradhari Sharan Singh, J.)

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