

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53947 of 2013

Arising Out of PS.Case No. -313 Year- 2013 Thana -UJIYARPUR District- SAMASTIPUR

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1. Raj Kumar Singh S/O Late Shivjee Singh Resident Of Ramnagar (Chand Chaura), Police Station Ujjiarpur, District Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. North Bihar Power Distribution Company.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. D.K. Tandon
& Mr.Shakti Suman Kumar

For the Opposite Party/s : Mr. Lalan Kumar (App)

For N.B.P. Holding Company: Mr. Vijay Kumar Verma,

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-04-2016 Heard learned counsel for the parties.

This application has been filed seeking quashing of the First Information Report of Ujjiarpur P.S. Case No. 313 of 2013 registered for the offence punishable under Section 135 of the Indian Electricity Act, 2003.

Allegedly, the petitioner was found committing theft of electricity by means of a metals hook, directly from L.T. line for the purpose of running his Flour Mill. It appears from the First Information Report that the petitioner had electricity connection which was disconnected because of default in payment of electricity bill to tune of Rs. 28,940/-. It is alleged that because of commission of theft of electricity by the petitioner, the North Bihar Power Distribution Company Limited has been suffered a loss to the tune of Rs. 1,62,424/- only. It has also been alleged that the said amount of Rs.

28940/- is also payable by the petitioner to Company against pending bill.

Upon perusal of the First Information Report, I find that offence under Section 135 of the Electricity Act is made out and, therefore, the First Information Report cannot be quashed at the very threshold. It has been stated by the petitioner that he has already paid 50% of the alleged loss of Rs. 1,62,424/- as mentioned in the First Information Report. Learned counsel for the North Bihar Power Distribution Company has submitted that no objection would be raised if the petitioner applies for compounding of the offence under Section 152 of the Electricity Act.

Considering the facts and circumstances of the case, it is directed that if the petitioner applies for compounding by depositing the compounding fee, the same shall be accepted in accordance with Section 152 of the Electricity Act whereafter parties shall take steps for compounding of the offence in the light of decision of this Court in case of ***Mosmat Swaran Vs. State of Bihar*** reported in ***2012(2) PLJR 229***.

This disposes of the application.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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