

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54206 of 2013

Arising Out of PS.Case No. -417 Year- 2013 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Indu Devi W/O Shri Kant Kumar Mahto Resident Of Village Pond, P.O- Chakbahauddin, Police Station- Dalsinghsarai, District- Samastipur.
 2. Sri Birendra Kumar Mahto S/O Late Chanchal Mahto Resident Of Village Pond, P.O- Chakbahauddin, Police Station- Dalsinghsarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Bihar State Power Holding Company.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar
For the Opposite Party/s : Mr. Abhay Kumar-I(App)

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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 Dalsingsarai P.S. Case No. 417 of 2013 registered for the offences punishable under Section 135 of the Indian Electricity Act, 2003.

It is alleged that the petitioners were found committing theft of electricity causing loss to the tune of Rs.159865/- to the North Bihar Power Distribution Company Limited.

Learned counsel for the petitioners has submitted that they have deposited 50% of the said amount (Rs. 80,000/-) and are ready to get the offence compounded in accordance with the

provisions under Section 152 of the Electricity Act.

The allegations made in the First Information Report do constitute offence under Section 135 of the Electricity Act. The First Information Report cannot be quashed, therefor.

However, in view of the stand taken by the petitioners which has not been objected by the learned counsel representing the North Bihar Power Distribution Company Limited, it is directed that if the petitioners apply for compounding of the offence 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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