

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1260 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- SIWAN

=====

Pawan Kumar son of Late Lalan Singh, resident of address + Mohalla - Fatehpur,
P.S. Siwan Town, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Executive Engineer, Energy Supply Division, Siwan (Town).
3. The Assistant Electric Engineer, Energy Supply Division, Siwan (Town).
4. The Station House Officer, Police Station - Siwan Town, District - Siwan.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate

For the Respondent/s : Mr. Rajiv Kumar Singh, G.P.-2

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-03-2016

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner seeks quashing of the first information report (for short "FIR") in connection with Siwan Town P.S. Case No.349 of 2015 registered under sections 135 and 138 of the Electricity Act.

2. Learned counsel for the petitioner has contended that the allegations made in the FIR are absolutely false and the petitioner is not in any way connected with the alleged theft of electricity.

3. I have heard learned counsel for the petitioner and perused the allegations made in the FIR as contained in annexure-1 to the present application. In the FIR, it has been alleged that the

petitioner was consuming electricity after attaching cable by hook on the main line which caused approximate loss of Rs.4,31,992/- to the North Bihar Power Distribution Company Limited.

4. In my opinion, the allegation made in the FIR would certainly attract the ingredients of cognizable offences punishable under sections 135 and 138 of the Electricity Act, 2003. Furthermore, an FIR cannot be quashed on the basis of defence of the accused. Such defence can be tested by the investigating agency during investigation and by the court during trial.

5. Hence, the application, being devoid of any merit, is, hereby, dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--