

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4343 of 2016

Arising Out of PS.Case No. -645 Year- 2010 Thana -PHULWARI District- PATNA

=====

Prem Shankar Roy son of Sri Kamalbass Roy, resident of mohalla Adarsh Nagar, Road No. 2, PS-Phulwarisharif, District-Patna.

.... Petitioner/s

Versus

The State of Bihar through the Chairman, Bihar State Electricity Board, Bailey Road, Patna & Ors.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Madhuri Kumari

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

Mr. Vikash Chandra Srivastava

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 15-09-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the order of cognizance dated 6th October 2015 passed by Presiding Officer, Special Court, PESU Area in G.R. No. 6435 of 2010 arising from Phulwarisharif P.S. Case No. 645 of 2010 for offence under section 135/138 of the Electricity Act and section 379 of the Indian Penal Code. The court below has rejected the discharge application as sufficient material has been found.

As per allegation, it was found, father of the petitioner was committing theft of electric power and in pursuance thereof, an F.I.R. has been lodged. In the F.I.R., allegation has been made that the seal of the meter was found broken and meter was found

tampered and it was found that there was a loss to the tune of Rs. 1,30,000/- (one lakh thirty thousand).

It is a compoundable case. The petitioner, if so advised, may file an appropriate application before the court below. If the loss amount is deposited by the petitioner, the court below will examine the matter and pass the order in accordance with law. If the said amount deposited, in that circumstances, the petitioner will have liberty to file an objection which will be looked into by the authority concerned. There should be a proper assessment. If it is found that the excess payment has been recovered, the Electricity Board will take proper action in accordance with law.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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