

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43002 of 2013**

Arising Out of PS.Case No. -232 Year- 2013 Thana -KHAZANIHAT District- PURNIA

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1. Dr. Irshad Ahmad Khan @ Irsad Khan Son Of Late Mujibul Hassan  
Resident Of Jail Chowk, N.H. 31, Police Station - K. Hat, District- Purnia  
..... Petitioner/s

Versus

1. The State Of Bihar

..... Opposite Party/s

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**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Rajeev Roy, Advocate        |
| For the Opposite Party/s | : | Mr. Dasrath Mehta, APP          |
| For NBPDC                | : | Mr. Vinay Kirti Singh, Advocate |
|                          |   | Mr. Vijay Kumar Verma, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
ORAL ORDER

5      03-05-2016                      Heard   learned   Counsel   for   the   petitioner,  
  
learned Counsel for the North Bihar Power Distribution  
Company Limited and learned Additional Public Prosecutor  
for the State.

This application has been filed seeking quashing  
of the First Information Report of K. Hat Police Station Case  
No. 232 of 2013, registered for the commission of offence  
punishable under Section 135 of the Electricity Act

From the First Information Report, it appears  
that in course of raid conducted by the Officials of North  
Bihar Power Distribution Company Limited in the premises  
of the petitioner, commission of theft of electricity was  
detected.

On perusal of the written report, submitted by

the informant, which is the basis for registration of the First Information Report, I find that an offence under Section 135 of the Electricity Act, 2003, which is cognizable, is made out. The First Information Report, in such circumstance, cannot be quashed, exercising jurisdiction under Section 482 of the Code of Criminal Procedure.

This application is accordingly dismissed.

However, it goes without saying that the petitioner shall be at liberty to raise such plea, as has been raised in the present application, at the appropriate stage of taking of cognizance or framing of charge or any subsequent stage, as may be permissible under law.

**(Chakradhari Sharan Singh, J.)**

Prabhakar Anand/-

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