

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4880 of 2016

Arising Out of PS.Case No. -35 Year- 2014 Thana -KOCH District- GAYA

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1. Shambhu Narayan son of Baijnath Sharma, resident of Village- Adai,
Police Station- Konch, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. South Bihar Power Distribution Company Limited through its
Chairman, Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Md.Arif (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-06-2016

The present application has been filed for quashing of the First Information Report of Konch P.S. Case No. 35 of 2014 registered under Sections 135 of the Electricity Act, pending in the Court of learned Special Judge, Electricity, Magadh Area, Gaya.

The accusation is of consumption of electricity energy unauthorizedly by running flour mill.

It is submitted by learned counsel for the petitioner that there is nothing on record to suggest that there were three phase lines at the place of seizure which is required for running the flour mill. Hence, the whole prosecution has maliciously been lodged.

It is the settled law that the F.I.R can be quashed if the accusation does not constitute prima facie case

or the prosecution is barred under certain law. Hence, this Court is not inclined to interfere. Moreover the case was registered on 11.03.2014 but there is nothing on record to suggest the present stage of the case.

Accordingly the application is disposed of with liberty to the petitioner to raise all the contentions at the appropriate stage.

(Dinesh Kumar Singh, J)

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