

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.791 of 2015

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

Vijay Prasad son of Late Rameshwar Prasad, resident of village-Bageshwari, P.O.-
Manjhauli, P.S.-Sirdalla, District- Nawada Petitioner/s

Versus

1.The State of Bihar
2.The Home Secretary, Government of Bihar, Patna
3.The Director General of Police, Bihar, Patna
4.The Deputy Inspector General of Police, Magadh Range, Gaya
5.The Superintendent of Police, Nawada
6.The Sub-Divisional Police Officer, Rajauli
7.Station House Officer, Sirdalla
8.Sanjay Kumar (Assistant Electrical Engineer), Electric Supply Sub-Division,
Rajauli Respondent/s

Appearance :

For the Petitioner/s : Mr. Indradeo Prasad, Advocate

For the Respondent/s : Mr. J.P. Karn, AAG-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-02-2016

By way of the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the Director General of Police, Bihar, Patna to dispose of the representation dated 29.11.2014 submitted by the petitioner wherein he has pleaded his innocence in Sirdalla P.S. Case No.227 of 2014.

2. The aforesaid Sirdalla P.S. Case No.227 of 2014 was registered under section 135 of the Electricity Act on 18.11.2014 on the basis of written report submitted by the Assistant Engineer, Electricity Supply Division, Patna, against the petitioner for theft of electricity.

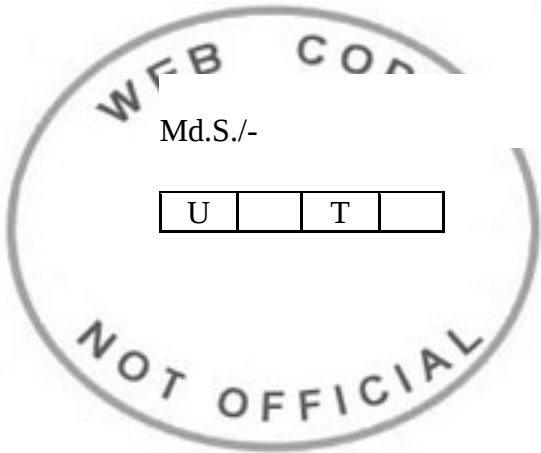
3. It has been contended by the learned counsel for the petitioner that the informant has falsely implicated the petitioner in

the aforesaid case. The transformer itself was burnt about a year back, and, as such, no electricity was being supplied in the village Bageshwari. It has been contended that under such circumstances, the allegation that the petitioner was consuming electricity by tapping connection with the main three phase low tension line stands falsified. He has contended that his representation in this regard is pending before the respondent no.3 since long.

4. Learned counsel for the State has contended that the investigation is being conducted by the investigating officer of the case at the local level. The representation of the petitioner to the respondent no.3 is in the nature of defence which is to be examined by the investigating officer of the case and not by the Director General of Police, Bihar. He submits that the Director General of Police, Bihar cannot look into the investigation of all cases which are being registered throughout the State of Bihar personally and hence, it would not be reasonably practicable for the Director General of Police, Bihar to personally investigate all the cases.

5. Be that as it may, since the petitioner has been made accused in a criminal case, it is for the investigating officer to find out the truth behind the allegation made in the FIR. In case, the petitioner appears before the investigating officer of the case and puts forth his defence, it is expected that the investigating officer would certainly investigate the same.

6. In view of the discussions made, hereinabove, I do not find any merit in this application. It is, accordingly, disposed of.



Md.S./-

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(Ashwani Kumar Singh, J)