

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2708 of 2014

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Subhash Keshari S/O Hari Lal Keshari, resident of Mohalla- Gaushala
Road, P.S.- Siwan Muffasil, District- Siwan

.... Petitioner

Versus

1. The Bihar State Electricity Board, through its Chairman, Vidyut Bhawan,
Bailey Road, Patna
2. The Executive Engineer, Electricity Supply Sub Division, Siwan (Urban),
Siwan
3. The Assistant Electric Engineer, Electricity Supply Sub Division, Siwan
(Urban), Siwan

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. A.K.Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 09-02-2016 Heard Sri Hemendra Prasad Singh, learned Senior

Counsel, who was assisted by Sri Sanjay Kumar, learned counsel
for the petitioner and Sri A.K.Ojha, learned counsel, who has
appeared on behalf of Respondent/Bihar State Electricity Board.

The petitioner, invoking civil writ jurisdiction under
Article 226 of the constitution of India, has prayed for directing
the Respondents to re-assess the penalty imposed on him and also
for restraining the Respondents from proceeding with the criminal
case relating to Muffasil (Mahadeva) P.S. Case no.149/13
registered under Section 135 of the Electricity Act, 2003.

Sri Hemendra Prasad Singh, learned Senior Counsel
appearing on behalf of the petitioner submits that the method of

assessment has incorrectly been adopted and assessment has been made on higher rate, which is contrary to the procedure. However, in respect of second prayer, he submits that in the present writ petition, he is not pressing the prayer relating to stay of criminal proceeding.

Fact remains that after inspection, the loss was assessed and finding that it was a case of electricity theft, an F.I.R. has been lodged, which is still pending.

In view of the fact that it is basis of registration of the F.I.R., the Court is of the opinion that while exercising writ jurisdiction under Article 226 of the Constitution of India, this Court may not examine the veracity of the Bill.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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