

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2988 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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Lakshman Sah S/o late Kali Sah

.... Petitioner/s

Versus

1. The State of Bihar Through The District Magistrate, Hazipur, Vaishali
2. The Managing Director, North Bihar Power Distribution Company Limited Vidut Bhawan, Bailey Road, Patna.
3. The Identification Officer-cum-Assistant Vidhut Engineer, Vidhut Engineer, Lower division , Mahnar, Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Verma, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad (App)

For O.P. No.2 : Mr. Ratan Prasad Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been filed for quashing of
the First Information Report of Mahnar P.S. Case No.225/2015
registered under Section 35 of the Indian Electricity Act, pending
in the Court of learned CJM, Vaishali at Hajipur.

Accusation is of consuming electricity energy
unauthorizedly causing loss to the tune of Rs.51026/-.

It is submitted by learned counsel for the petitioner
that the petitioner is the *bona fide* consumer and since the electric
bill was not supplied to him in time, he could not make payment
of the energy charges.

In view of this Court the F.I.R can only be quashed if the accusation does not constitute prima facie case or the prosecution is barred under certain law. Moreover the case was registered on 18.12.2015 but there is nothing on record to suggest the present stage of the investigation. Hence, this Court is not inclined to interfere into the matter.

Accordingly the application is disposed of with liberty to the petitioner to raise all the contentions on submission of final report under section 173(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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