

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3482 of 2016

Arising Out of PS.Case No. -234 Year- 2014 Thana -LAHERIASARAI District- DARBHANGA

1. Raman Kumar Sharma, Son of Late Siyaram Sharma, a resident of Mohalla- Laxmipur, P.S.- Laheriya Sarai, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

2. The North Bihar Power Distribution Company Ltd. through its Managing Director Vidut Bhawan Bailey Road Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. C.Sen Pd.Singh (APP)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

2 26-08-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

None represents the Electricity Department.

The instant case has been launched at the behest of informant, an electricity employee perceiving consumption of energy through tampered meter causing loss to the Electricity Department to the tune of Rs. 2,66,476/-.

It has been submitted on behalf of petitioner that the aforesaid amount has already been deposited and in the aforesaid background his electric line has been restored. It has also been submitted that on that very ground petitioner had already been granted anticipatory bail. So, the order of cognizance dated 18.05.2015 passed by CJM, Darbhanga in connection with Laheria

Sarai PS Case No. 234/2014 happens to be bad.

In terms of Section 135(ii), it is apparent that consuming energy by tampered meter is an offence in terms of Section 135 of the Electricity Act. However, the offence has been made compoundable and for that, compounding fee has been disclosed under Section 152 of the Electricity Act, which the petitioner may avail after depositing the same.

In case, petitioner approaches for compounding after deposit of requisite fee, then in that event, the informant will take proper step for compounding the offence.

With the aforesaid observation, the instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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