

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50220 of 2013

Arising Out of PS.Case No. -83 Year- 2013 Thana -PHULWARI District- PATNA

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1. Lala Rai @ Lala Prasad Resident Of Village Bodh Gaya, Police Station
Phulwarisharif, District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Bihar State Electricity Board, Baily Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha
For the Opposite Party/s : Mr. Anant Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-04-2016 Heard learned counsel for the parties.

No case for quashing of the First Information Report is made out as on the basis of the allegation contained in the First Information Report and the offence punishable under Section 135 of the Electricity Act.

Learned counsel for the petitioner has submitted that the allegation in the First Information Report appears to be false as no seizure of rice has been made though there is allegation of committing theft of electrical energy, the petitioner was running his thrashing machine.

Non-seizure of the rice, in my view cannot be a ground for quashing of the First Information Report itself.

It is, however, observed that if the petitioner approaches the competent authority for compounding in accordance with the provisions as contained in Section 152 of the Electricity Act, by depositing the compounding fee, the same shall be accepted and proceeded with in accordance with law particularly in terms of the law laid down in case of ***Md. Mosmat Swaran Vs. State of Bihar*** reported in ***2012(2) PLJR 229***. While assessing the liability of the petitioner, it is made clear that Section 152 of the Electricity Act and the decision of the said case in case of ***Mosmat Swaran*** (supra) must be taken into account.

This application is disposed of accordingly.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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