

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15611 of 2013

Arising Out of PS.Case No. -7 Year- 2013 Thana -MURAR District- BUXAR

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1. Jagdish Mahto Sri Brahmeshwar Mahto Village - Baida, P.O. & P.S. - Murar, Distt. - Buxar
 2. Kamta Mahto Late Paras Mahto Village - Baida, P.O. & P.S. - Murar, Distt. - Buxar
 3. Bir Bahadur Mahto Late Ram Nath Mahto Village & P.O. - Chaungai, P.S. - Murar, Distt. - Buxar
 4. Vishendra Yadav Sri Nath Yadav Keri Dera, P.O. - Chaungai, P.S. - Murar, Distt. - Buxar

.... Petitioners

Versus

1. State Of Bihar
2. Sri Binod Kumar Nagar, Assistant Engineer, Electricity Supply Sub Division, Dumraon, Distt. - Buxar

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Chandra Mohan Singh, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 29-06-2017

The petition is filed for quashing first information report filed against the petitioners vide Murar P.S. Case No.7 of 2013 registered under Section 379 of the Indian Penal Code and 135 of the Electricity Act, 2003.

2. Learned counsel for the petitioners submits that the F.I.R. is absurd in nature. It is alleged that petitioners were running some equipment using electricity load to 1 K.W. but no equipment is mentioned nor seized by the informant. Further allegation is that from transmission line by using PVC wire, petitioners were committing



electricity theft but there is variation between length of the PVC wire seized and distance of transmission line. In some cases length of seized wire was less in length than actual distance between transmission line and the said shops of the accused so no offence under Section 135 of Electricity Act is made out.

3. Learned counsel appearing on behalf of the Electricity Department submits that the petitioners were found committing theft of the electricity directly from the transmission line and they had no electric line and PVC wires were also recovered. Moreover, specific allegation for electricity theft is there. The petitioners may raise point at the time of framing of charge. There is special law for Electricity Act and in case of special law, only Section 135 of Electricity Act is attracted in this case. However, there is no ground for setting aside the first information report as specific allegation is that petitioners were committing electrical theft.

4. In the result, this quashing petition stands dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
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