

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31075 of 2014

Arising Out of PS.Case No. -100 Year- 2013 Thana -MAKHDUMPUR District- JEHANABAD

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Suman Prasad, Son of Late Surendra Prasad, Resident of Mohalla- Makhdumpur Bazar, Paibigha More, Police Station- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Khalikur Rahman, Son of not known Resident of village + P.O.- Paliganj, Police Station- Paliganj, District- Patna. Presently Posted as Electrical Assistant Engineer cum Fixation officer, Makhdumpur, District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 30-06-2017

Heard learned counsel for the parties.

2. The petitioner has challenged the order taking cognizance dated 05.07.2013 passed by Special Judge (Electricity) Magadh Area, Gaya in connection with Tr. No. 339 of 2014 arising out of Makhdumpur P.S.Case No. 100 of 2013 (G.R. No. 169 of 2013) whereby cognizance has been taken against the petitioner under Section 135 of the Electricity Act.

3. Learned counsel for the petitioner submits that the petitioner is a valid consumer and earlier he had moved before the authorities of the Electricity Department for rectification of error in electric bill but in stead of rectification, this false case has been lodged.



4. Learned A.P.P. submits that there is specific allegation against the petitioner that he was committing theft of electricity, so there is no error in the cognizance order.

5. The prosecution case is that the Executive Engineer, Electricity Department, formed a raiding team, and raided the industrial premises of the petitioner and found tampering in the meter and seal was found broken and electricity consumption was being made by by-passing the meter causing monetary loss to South Bihar Power Distribution Company to the tune of Rs. 66,893/- . So *prima facie* allegation of theft of electricity is made out against the petitioner, hence there is no illegality in order of cognizance. So, this quashing petition stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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