

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31993 of 2014

Arising Out of PS.Case No. -254 Year- 2013 Thana -MADHEPURA District- MADHUBANI

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Surendra Narayan Jha Son of Late Surya Narayan Jha Resident of Village-
Kaithinia, P.S.- Madheypur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Power Holding Co. Ltd., through C.M.D., Patna.
3. Arvind Kumar S/o Sri Baidyanath Das Junior Electrical Engineer, Electric
Supply Sub-Division, Jhanjharpur, District- Madhubani.

.... 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: 04-07-2017

Heard learned counsel for the parties.

2. The petitioner challenges the order taking cognizance
dated 14.05.2014 passed by learned Additional Chief Judicial
Magistrate Jhanjharpur, Madhubani in connection with Madhepur
P.S.Case No. 254 of 2013 under Section 135 of the Electricity Act,
2003.

3. Learned counsel for the petitioner submits that
consumer I.D. number mentioned in the FIR i.e., 13642-JPR-NDS-2-
1831 is not of the petitioner rather it is of Smt. Asha Jha so no offence
against the petitioner is made out.

4. Learned A.P.P. submits that it is a case of by-passing
the meter and committing theft of electricity and police after



investigation, has submitted charge sheet.

5. Having considered the rival submissions and on perusal of record, it appears that a case of electricity theft is lodged by the Junior Engineer of the Electricity Department and the allegation is that the petitioner was consuming electricity in a number of shops by-passing the meter moreover some tampering was also found in the meter. Annexure-4 is the representation filed by the petitioner before the I.O. of the case but there is no any statement made by the petitioner that consumer I.D. No. 13642-JPR-NDS-2-1831 does not belong to him rather was trying to justify his innocence on other grounds, so finding no ground for interference in the order taking cognizance, this application stands dismissed.

6. However, the ground as taken by the petitioner in this application may be raised at the stage of charge.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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