

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13441 of 2014

Arising Out of PS.Case No. -86 Year- 2013 Thana -SAHKUND District- BHAGALPUR

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1. Om Prakash Kumar Son Of Siya Ram Tanti Resident Of Village- Shanti Nagar,
P.S- Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Managing Director, South Bihar Power Distribution Co. Ltd., Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the S.B.P.D.C.L. : Mr. Nikesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 23-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 04.06.2013 passed by the learned Chief Judicial Magistrate, Bhagalpur in G.R.No. 1370 of 2013 arising out of Shahkund P.S. Case No. 86 of 2013 whereby and whereunder the Magistrate finding prima facie case for the offence under Section 135 of the Electricity Act ordered for issuance of summons against the petitioner.

2. Heard the learned counsel for the petitioner and the learned APP for the State.



3. It has been submitted that the petitioner without prejudice to the allegation made against him is ready to compound the case. The petitioner as per order dated 14.10.2014 was directed to file an application for compounding the case before the appropriate authority where the authorities had to take final decision of the matter. The petitioner has already deposited the theft amount of Rs. 17,410/- in the Electricity Department on 09.05.2013 for which the Department has issued receipts and a no dues certificate to this effect vide letter No. 312 dated 09.05.2013. The petitioner contacted the Department for depositing the compounding fee, but the authorities are not accepting on one pretext or the other and so, a direction be given to the appropriate authority to accept the compounding fee and get the matter disposed of.

4. The learned counsel for the Opposite Party No. 2 as well as the learned APP for the State concedes that the offence is compoundable and a direction in this regard may be given to the concerned for compounding the case.

5. Considering the submission of both the parties, facts and circumstances of the case, the Opposite Party No. 2 and its authorities are directed to accept the compounding fee and the court below is directed to dispose of the case in accordance with law.

6. With this above observation, this application is



disposed of.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
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