

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29266 of 2014

Arising out of P.S. Case No.182 Year 2011 Thana SHIVSAGAR District SASARAM (ROHTAS)

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1. Rishi Kumar Singh Son of Sri Lalji Singh resident of village- Sonhar, P.S.- Sheosagar, District- Rohtas
 2. Pramod Kumar Maurya Son of Sri Kameshwar Singh Resident of village- Girdhariya, P.S.- Sheosagar, District- Rohtas
 3. Rakesh Sah Son of Late Ghurbigan Sah Resident of village- Ghatikan, P.S.- Sheosagar, District- Rohtas
 4. Vijay Bharti Son of Sri Ram Prasad Bharti Resident of village- Baraila, P.S.- Sheosagar, District- Rohtas
 5. Pawan Singh Son of Sri Mithilesh Singh Resident of village- Bamhaur, P.S.- Sheosagar, District- Rohtas

.... Petitioners

Versus

1. The State of Bihar
2. Mr. Surendra Chaudhary Assistant Electrical Engineer, Electric Supply Sub-Division, Sasaram (Rural), District- Rohtas

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rajani Kant Singh, Advocate
For the State : Mr. Arun Kumar Pandey, APP
For O.P. No.2 : Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 30-06-2017

Heard learned counsel for the parties.

This petition for quashing is directed against the order dated 08.07.2013, passed by learned Chief Judicial Magistrate, Rohtas at Sasaram whereby he has taken cognizance under Sections 135 and 138 of the Electricity Act in connection with Sheosagar P.S. Case No.182 of 2011.

Learned counsel for the petitioners submits that petitioners have deposited the loss amount, therefore, order taking cognizance is bad.



However depositing the loss amount cannot be a ground for setting aside the order of cognizance as the allegation against the petitioners is that during raid made by the Electricity Department, the authorities found committing theft of electricity in their shops. Moreover under Section 152 of the Electricity Act the compounding of the offence has not been done by the petitioners. In this view of the matter this petition is dismissed.

The petitioners have already got statutory provision to get the offences compounded under Section 152 of the Electricity Act.

(Arun Kumar, J.)

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