

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1459 of 2017**

Gaurishankar Patel, S/o. Shri Minketan Patel, Aged About 55 Years, R/o. Village Lodhiya Dabhra, Police Station- Baramkela, District Raigarh, Chhattisgarh

(Accused)

---- Petitioner**Versus**

Chhattisgarh State Electricity Distribution Company Limited, Through Vijay Kumar Norge, Junior Engineer, Chhattisgarh State Electricity Distribution Company Limited Baramkela, District Raigarh, Chhattisgarh

(Complainant)

---- Respondent

For Petitioner : Mr. H.S.Patel, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23.10.2017**

Heard

1. Learned counsel for the petitioner submits that though the compliant has been filed but then the alleged seizure which was made that is not about the connection in Khasra No.76 and actually the raid was conducted over the electricity connection, which is situated at Khasra No.80, which does not belong to the petitioner. It is further submitted that the petitioner had been granted legal connection over his land which would be evident from the document as he has paid the electricity bills, which are being raised from time to time. It is stated that in a result instead catching hold of the other person, the Chhattisgarh Electricity Distribution Company, the complainant, has wrongly filed the complaint against the present petitioner as Khasra No.80 do not belong to him.
2. Be that as it may, the question which has been raised by the petitioner cannot be gone into while deciding the petition under

Section 482 of Cr.P.C., as necessarily it would be a question of fact finding. At this stage, this Court cannot give a finding about the ownership of the land. The petitioner would be at liberty to raise the issue before the trial Court wherein the complaint has been filed. The defence of the petitioner therefore cannot be appreciated by this Court at this stage. The said defence if so raised, the trial Court shall take into account the factual aspect of the same and may decide the same on merits.

3. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge