

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 434 OF 2006

1. Narayan Baliram Panchal
Age: 62 years, Occu.: Business,
R/o Balaji Saw Mill,
Parbhani Road, Purna,
Dist. Parbhani.
2. Balaji Maroti Panchal
Age: 42 years, Occu.: Business,
R/o As above.
3. Jagannath Raoji Suryawanshi
Age: 44 years, Occu.: Business and Agri.,
R/o As above.

..PETITIONERS

VERSUS

Maharashtra State Electricity Board,
Through its Junior Engineer, Flying Squad,
Avinash Ghansham Raut
Age: 38 years, Occu.: Service,
R/o MSEB Office, Parbhani.

..RESPONDENT

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Mr. S.S. Rathi, Advocate for petitioners.
Mr. A.S. Bajaj, Advocate for respondent.

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**CORAM : T.V. NALAWADE, J.
DATED : 12th JANUARY, 2017**

ORAL JUDGMENT :

1. In the present proceeding, relief of quashing and setting aside the Special Case No. 2 of 2004 is claimed and also setting aside of order

made on discharge application at Exhibit 23 is also prayed. Special case is pending in the Sessions Court, Parbhani.

2. It is the case of petitioner that as bill which was tendered was paid by him, under Section 126(4) of the Electricity Act, 2003 prosecution cannot be launched against him. On the point learned Counsel for original complainant placed reliance on some observations made by this Court in the case reported as ***2007 All M.R.(Cri) 2717 (Kiran Dilip Wilfered Vs. Police Inspector, Electricity Distribution Co. Ltd. and Another)***. This Court has laid down that when there is theft of electricity and action is taken under Section 126 of the aforesaid Act, such action will not debar the electricity company from prosecuting the persons committing the theft.

3. In view of this observation, this Court holds that there are no merits in the present matter. Petition is dismissed. Rule is discharged. Other points are still open.

(T.V. NALAWADE, J.)

SSD