

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12707 of 2016

Arising Out of PS. Case No.-127 Year-2015 Thana- RIGA District- Sitamarhi

Surendra Sah @ Surendra Prasad, Son of Kapildeo Prasad Sah, resident of
Riga Station Road, P.S. Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Assistant Electric Engineer, Electric Supply Awar Pramandal, Bairgania.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. H.A. Khan APP
For O.P. No.2	:	Mr. Ratan Pd. Sinha Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 17-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 7.12.2015 passed by the ACJM No.3, Sitamarhi in Tr. no. 1010/15, Corresponding to Riga P.S. case no. 127 of 2015 by which learned Magistrate has taken cognizance for the offence under Section 135 of Electricity Act against the petitioner.

Heard learned counsel for the petitioner, learned counsel for the Electricity Board and the State.

It is alleged in the written report that petitioner's electric connection was disconnected by the Electricity Board because of having electricity dues of Rs.69,101/-. But on the date of raid petitioner was found using electricity by connecting *Tokka*. In this manner, petitioner has committed theft of electricity.

Learned counsel for the petitioner has submitted that he has



applied for fresh connection vide Annexure-3. But, there is no any document with petitioner to show that previous dues was paid by him.

The police after investigation has found the allegation true against the petitioner. The learned court below after looking into allegation in the written report and the materials available in the case diary has taken cognizance against the petitioner.

The Court below is only required to seen *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in impugned order passed by the Court below.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the case in accordance with law.

The petitioner is given liberty to raise all the points, as raised in the present application, at the time of framing of charge, which shall be considered and disposed off by the learned court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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