

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3072 of 2015

Arising Out of PS.Case No. -174 Year- 2012 Thana -BIHIYA District- BHOJPUR

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Shashi Kant Chaubey, son of Vidyanand Chaubey, resident of Mohalla- Saheb Tola, Behea, Police Station- Behea in the District of Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The South Bihar Power Distribution Company Ltd. through its Managing Director, Vidyut Bhawan, Baily Road, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 25-07-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 01.03.2013 passed by the learned Chief Judicial Magistrate, Bhojpur, Ara, in Behea P.S. Case No. 174 of 2012 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners and other accused persons for the offences under Section 135 Indian Electricity Act.

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

3. The informant has alleged in the written report that during raid petitioner was found committing electricity theft by



running electric motor of 7.5 HP after connecting electric wire of three phase from Transformer and was running Flour Mill, on account of which, the Electricity Department suffered revenue loss of Rs.1,72,969/-. It is also alleged that there was previous dues of Electricity Department against the petitioner amounting to Rs.30,000/- for which electric connection was disconnected.

4. Police after investigation submitted charge sheet in the case. The learned Magistrate after submission of charge sheet found *prima facie* case against the petitioner for the offence under Section 135 of Indian Electricity Act after looking into the allegation as well as material in the case diary.

5. Learned counsel for the petitioner has submitted that prior to filing of the charge sheet, legal notice was sent by the petitioner to the Electricity Department claiming loss of Rs.4,00,000/- for disconnection of electric supply due to which crops of the petitioner were destroyed on account of non-supply of water, but that was not considered by the police.

6. This Court after looking into the allegation in the written report and also the impugned order finds that no illegality has been committed by the learned Magistrate in passing the impugned order.

7. This Criminal Miscellaneous application is



accordingly dismissed.

8. The court below will proceed in the case in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	31/07/2018
Transmission Date	31/07/2018

