

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51599 of 2014

Arising Out of PS.Case No. -41 Year- 2013 Thana -THAKURGANJ District- KISANGANJ

=====

Md. Razique Ahmad @ Rehan @ Razique Ahmad @ Razique S/o- Md. Mahiruddin, Resident of village- Gopalpur, P.S.- Natwapara, Distt.- Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Electricity Board, Bihar through Chairman, Bihar Electricity Board, Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate.
For the Opposite Party/s : Mr. Vinay Kirti Singh, Sr. Advocate.
Mr. Vijay Kumar Verma, Advocate.
Mr. Akhileshwar Singh, NBPD Company Ltd.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-01-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 28.10.2013 passed by Sri A. Ranjan, learned Judicial Magistrate, 1st Class, Kishanganj, in Thakurganj (Galgalia) P.S. Case No. 41 of 2013 by which the learned Magistrate took cognizance against the petitioner and another accused person for the offences under Sections 135 and 138 of Electricity Act.

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

3. Learned counsel for the petitioner has submitted



that he is not the consumer. The consumer is Bharti Infratel Ltd. Therefore, the First Information Report has wrongly been lodged against him and the court below has taken cognizance against him in mechanical manner.

4. This Court feels that these points raised by the petitioner can be seen at the time of framing of charge. The petitioner is named in the First Information Report. There is specific allegation that this petitioner was involved in electricity theft and was found absconding when the raid was conducted .

5. Therefore, this Court does not find any illegality in the impugned order.

6. The application stands dismissed.

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

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23/01/2018
Transmission Date	23/01/2018

