

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2567 of 2016

Arising Out of PS.Case No. -94 Year- 2009 Thana -MALSALAMI District- PATNA

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1. Chhotu Kumar S/O- Devendra Prasad, R/o- Mohalla- Sabarchak Hata,
P.S.- Malsalami, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The North Bihar Power Distribution Comp. Ltd.
3. The North Bihar Power Distribution Comp. Ltd.
4. Binod Kumar Singh, Assistant Electrical Engineer, Electricity Supply,
Sub Divison, Katra City, P.S. Malsalami, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

3 27-09-2018 Heard learned counsel for the petitioner as well as

Additional Public Prosecutor.

Petitioner is aggrieved by an order dated 08.02.2010
passed by learned S.D.J.M./Presiding Officer, Special Court,
Patna, PESU Area, Patna in Malsalami P.S. Case No. 04 of 2009
whereby and whereunder petitioner along with others has been
summoned to face trial for an offence punishable under Section
120(B) of the Indian Penal Code and Section 135 of the Electricity
Act.

Ice Factory belonging to Nand Kumar was running
on the strength consuming the electricity through hook. Petitioner



along with Ravi Shankar Gupta, Guddu Kumar, Jagdish Prasad were arrested there from. During course of investigation, as is evident from the case diary, the police has properly identified the status of Nand Kumar and in the aforesaid background, vide order dated 12.02.2015 passed in Cri. Misc. No. 18121 of 2012, the order of cognizance relating to co-accused Ravi Shankar Gupta as well as Guddu Kumar was set aside.

Learned counsel for the Electricity is absent, while learned Additional Public Prosecutor has submitted that case of the petitioner stood on similar footing to that of other co-accused against whom the order of cognizance has been quashed.

That being so, the order dated 08.02.2010 passed by learned S.D.J.M./Presiding Officer, Special Court, Patna, PESU Area, Patna to the extent of petitioner is hereby set aside. Consequent thereupon petition is allowed.

(Aditya Kumar Trivedi, J)

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