

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 66 OF 2018

EDWARD J. FERNANDES.,

... Applicant

Versus

**STATE OF GOA, THR. POLICE
INSPECTOR, CALANGUTE POLICE
STAITON, CALANGUE.,**

... Respondent

Applicant in person.

**Shri Mahesh Amonkar, Additional Public Prosecutor for the
Respondent.**

Coram:- C. V. BHADANG, J.

Date:- 6th December 2018

ORAL ORDER:

Heard the petitioner in person and Shri Amonkar, the learned Additional Public Prosecutor for the Respondent.

2. The petitioner is challenging the order dated 15.10.2018, passed by the learned Judicial Magistrate First Class at Mapusa, rejecting an application under Section 156(3) of Cr.P.C., filed by the petitioner.

3. There is a flat belonging to one Maria Fernandes, who is the cousin of the petitioner. The petitioner claims to be the Power of Attorney holder of Maria Fernandes. However, there is no Power of Attorney produced on record. The petitioner,

purportedly acting on behalf of Maria Fernandes, sent a letter dated 15.01.2016 to the Junior Engineer, Electricity Department, Sub-Division-IV, Calangute, claiming that Flat No. C-3 at Aldeia Bello Khobrawado is closed for last sixteen years and he has been paying the advance electricity charges (minimum). The petitioner pointed out that there is some tampering with the electricity meter and somebody has been "stealing electricity" from the said meter.

4. During the course of the arguments at bar, the petitioner in person submitted that the complaint is essentially for excess billing, amounting to about Rs.800/-. It appears that the Junior Engineer had sent the said letter to the Assistant Engineer for further action. In such circumstances, the petitioner approached the learned Magistrate for directing investigation to be conducted, on the basis of an FIR to be registered in respect of the alleged theft of electricity.

5. The learned Magistrate has noted that as per the reply filed by the Police Inspector, Calangute Police Station, there is no complaint lodged by the petitioner, which was found in the record of the police station. The learned Magistrate further having noticed that in the complaint only some excess billing charges, are challenged, no case for directing investigation was made out and the application was rejected.

6. The petitioner in person has pointed out that he had narrated the complaint to the police, however, he had not insisted for the same to be reduced into writing.

7. Shri Amonkar, the learned Additional Public Prosecutor for the respondent pointed out that the petitioner has directly come to this Court in a criminal revision, without approaching the learned Sessions Judge. Looking to the fact that there is no infirmity found in the impugned order, it would be futile to ask the petitioner to approach the learned Sessions Judge. Having regard to the nature of the allegations and the absence of any formal complaint being lodged with the police, no case for interference is made out. The criminal revision application is dismissed. This shall however not come in the way of Ms. Maria Fernandes or her duly constituted agent, in pursuing the complaint about the alleged excess billing, with the Electricity Department.

C. V. BHADANG, J.