

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1615 of 2011

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioner/A1 seeks to quash the proceedings against him in ESC No.5 of 2010 on the file of I Additional Metropolitan Sessions Judge, Hyderabad registered for the offences under Sections 39 and 44 of Indian Electricity Act, 1910.

2) The submission of learned counsel for petitioner is that petitioner/A1, who is the owner of the premises, has addressed a letter dated 13.12.1999 to A.P.TRANSCO authorities to delete his name as consumer of the electricity consumer meter bearing Nos.A3-892 and A3-769 from the record and insert the name of M/s.Patel Constructions against those meters and the authorities removed the connection consumer meter No.A3-892 and deleted his name but did not do so in respect of other meter i.e. A3-769 and ultimately filed the case against the petitioner/A1 and other accused. Learned counsel would submit that petitioner/A1 is not concerned with alleged pilferage and hence continuation of the proceedings against him would amount to abuse of process of Court. Counsel would further submit that trial Court issued NBW against him and the same is pending.

3) Having regard to the fact that case is numbered as ESC No.5/2010 and pending before the trial Court, it is not apposite to quash the proceedings. However, petitioner is given liberty to approach the trial

Court and seek for discharge by putting forth his defense, in which case the trial Court shall pass an appropriate order on merits at the earliest. Petitioner shall appear before the trial Court on or before 03.07.2018 and move an application seeking recall of NBW, in which case the trial Court shall recall NBW.

4) This Criminal Petition is disposed of accordingly.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 26.06.2018

Note: Office to issue CC by tomorrow.

(b/o)
Murthy

U. DURGA PRASAD RAO, J

