

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2131 of 2018

Arising Out of PS. Case No.-53 Year-2017 Thana- BANKA District- Banka

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Manoj Kumar Sah S/o Anup Lal Sah, R/o Vill.- Krishnadih, P.O.- Dhakamore,
P.S.- Banka, District- Banka.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary Bihar Energy Electricity Board, Patna
2. The South Bihar Power Distribution Com. Ltd. Govt. of Bihar through its Chairman , 2nd Floor, Vidyut Bhawan, Bailey Road, Patna 800001.
3. The Assistant Electrical Engineer, Electric Supply Sub- Division, Banka.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Prahalad Kumar Bhagat, Advocate
For the RespondentState : Mr.Rajiv Roy GP-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-07-2019

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

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for quashing the entire proceeding of Banka P. S. Case No. 53 of 2017 registered under Section 135 of Electricity Act.

3. It is submitted by the learned counsel for the petitioner that the petitioner is falsely implicated in this case by the



informant Akhilesh Kumar in conspiracy with local police. He had not committed any theft of electricity and the allegation made in this behalf is completely erroneous. At the time of search and while preparing the seizure list, signature of any family member of the petitioner was also not taken.

4. Per contra, learned counsel appearing for the State submitted that the allegations made in the FIR clearly attract the ingredients of the offence punishable under Section 135 of the Electricity Act, 2003. The petitioner was running a flour mill by directly extracting electricity from main LT line.

5. Having heard learned counsel for the parties and perused the first information report, as contained in Annexure-2 to the present application, I find that the informant Akhilesh Kumar, the Assistant Electrical Engineer, Electric Supply Sub-division, Banka, in his written report addressed to the Officer-in-Charge, Banka Police Station has alleged that in course of raid, at about 7 p.m., conducted in the premises of the petitioner situated in the industrial area it was found that electricity was being consumed by direct hooking from main LT line. Since the petitioner was found running a flour mill by illegally extracting electricity, a loss of Rs.85170/- was assessed.



6. Considering the allegations made in the FIR, I am of the opinion that no case for interference with the FIR or investigation of the case is made out.

7. The application is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2019
Transmission Date	11.07.2019

