

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8881 of 2015

Arising Out of PS. Case No.-49 Year-2013 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

=====

Sanjeev Kumar S/o Late Baidyanath Prasad, Proprietor, Cosmos Industry, Anupam Campus, Sikandarpur, Muzaffarpur, At Saraiyaganj, P.S. Town, District- Muzaffarpur, at present residing at 739, 3rd Floor, Dr. Mukherjee Nagar, Delhi-9.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Electrical Executive Engineer, Electric Supply Division, Muzaffarpur (Urban).
3. ESSEL Vidyut Vitran Muzaffarpur Ltd. Distribution franchises of NBPDC, Muzaffarpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate
For the State	:	Mr. Zainul Abedin, APP
For the Electricity (O.P. No. 2)	:	Mr. Vinay Kirti Singh, Sr. Advocate with Mr. Akhileshwar Singh and Mr. Vijay Kumar Verma, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-05-2019

Heard learned counsel for the petitioner; learned APP for
the State and learned counsel for the opposite party no. 2.

2. The petitioner has moved the Court under Section 482
of the Code of Criminal Procedure, 1973 for the following relief:

“That, the present petition is directed against the order dated 16.10.2014 passed by the Special Court, Bihar State Electricity Board, Tirhut Division, Muzaffarpur, in connection with Town P.S. Case No.49 of 2013, G.R. No.25 of 2013, whereby and where under Cognizance has been taken against the



petitioner for the offence u/s 135 of the Indian Electricity Act.”

3. The allegation against the petitioner is of drawing electricity through tampered meter.

4. Learned counsel for the petitioner submitted that prior to inspection, he has given an application on 23.01.2012 with regard to the wire of the seal of the meter being burnt and the report showed that wire was damaged.

5. Learned counsel for the opposite party no. 2 submitted that during inspection the premises of the petitioner was found drawing electricity through tampered wire of the meter and, thus, clearly it amounts to theft of electricity.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application.

7. From the materials brought on record in the present application itself, it is clear that on 23.01.2012, the petitioner had made an application in which it is categorically stated that the wire of the meter had been burnt and that the same needed to be replaced. It was also apprehended that in future there may be some problems. Moreover, it was stated that the load had increased and prayer was made for such increase. Thereafter, it appears that on 21.04.2012 the wire was also changed and there is signature of the



consumer. Thereafter, on the date when the premises was inspected i.e., 31.01.2013, it was found that the petitioner was drawing electricity through tampered meter in which the locking arrangement was found broken as well as the optical wire was also found tampered with. The inspection seizure report has also been signed by the petitioner on the same day i.e., 31.01.2013. Thus, it cannot be said that there was no material before the Court below for taking cognizance against the petitioner under Section 135 of the Electricity Act, 2003.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

