

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31327 of 2019

Arising Out of PS. Case No.-58 Year-2018 Thana- MALI District- Aurangabad

Chandra Shekhar Singh S/O Late Dinanath Singh R/O- Vill and P.O.-
Mirjapur, P.S.- Mali, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. South Bihar Power Distribution Company Ltd. through its Secretary, Vidyut Bhawan Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajeev Kumar Singh, Advocate
For the Opposite Party/s :	Dr. Mrityunjaya Kr. Gautam, APP
For Opposite Party No.2:	Mr. Shrikant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-09-2019 Heard learned counsel for the parties.

The petitioner has challenged the validity of the FIR of Mali P.S. Case No.58 of 2018 registered under Section 353 of the Indian Penal Code and Section 135 of the Electricity Act.

Allegation is that the petitioner was found committing theft of electricity in his business premise. The loss has been calculated as Rs.8,97,962 (Eight lacs ninety-seven thousand nine hundred and sixty two rupees). The raid was conducted on 26.09.2018.

Submission is that the earlier joint inspection report dated 21.07.2018 would reveal that electric supply in the premise of the petitioner was found O.K. in all respect.



Moreover, even if it is assumed that the prosecution allegation is correct in two months, i.e., August and September, 2018, loss cannot be alleged to the tune of Rs.8,97,962/- considering past bill of electricity consumption in the business premise of the petitioner.

After some argument, learned counsel seeks permission to withdraw this application with liberty to file representation before the authorities in the matter of correctness of calculation of the loss amount. The authority shall pass a reasoned order on the representation.

With the aforesaid observation, this application is dismissed as withdrawn.

(Birendra Kumar, J)

Mkr./-

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