

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3043 of 2015

Arising Out of P.S. Case No.-36 Year-2014 Thana- MURAR District- Buxar

=====

Bashishth Singh S/o Late Shiv Muni Singh @ Muni Mahto Resident of
Village-Masarhiya, P.O.-Chaugain, P.S.-Murar, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Saurabh Kumar, Asstt. Engineer, SBPDCL, Electric Supply, Sub-Division, Dumraon, District-Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Singh, Advocate
For the Opposite Party No. 2	:	Mrs. Namrata Mishra, Advocate
For the State	:	Mr. Uday Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 23-04-2019

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 (hereinafter referred to as
the 'Code') for the following relief:

*“That, this application is for quashing the
F.I.R. lodged against the petitioner in connection
with Murar PS Case No. 36/14 dated 03.08.2014
registered under section 135 of the Electricity Act
2003 on the basis of written report of Sri Saurabh
Kumar, Electric Engineer, South Bihar Power
Distribution Co. Ltd. (SBPDCL), Electric Supply
Sub-division, Dumraon, Buxar. This case is
pending for appearance before CJM Buxar.”*

3. The allegation against the petitioner is of theft of
electricity for running his Mill and certain amount of penalty has
also been imposed.



4. A counter affidavit has been filed on behalf opposite party no. 2 in which at paragraph no. 8 (iii) it has been stated that there has been Videography with regard to the action taken.

5. A rejoinder has been filed by the petitioner to the aforesaid counter affidavit in which with reply to the said paragraph there is no denial and the only statement is that the equipment for running the Mill has not been seized and only PVC wire has been seized. The Court finding that there was non rebuttal of the claim of the opposite party no. 2 that there was Videography of the entire episode asked learned counsel for the petitioner whether the petitioner was prepared for the consequences of the Court getting a report after viewing of the Videography, the petitioner was not agreeable to the same.

6. Thus, in the opinion of the Court, the allegations made in the FIR of Murar PS Case No. 36 of 2014 cannot, at this stage, be said to be false, requiring interference by this Court under its inherent power under Section 482 of the Code.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	
T	

