

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2860 of 2017

Arising Out of PS. Case No.-636 Year-2017 Thana- DANAPUR District- Patna

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Dhiraj Kumar @ Dhiraj son of Dayashankar Singh R/o Saguna More, Bailey Road, P.S. - Danapur, District - Patna. Permanent Address - Binwaliy, Areraj, P.S. - Gobindganj, District - East Champaran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Energy Department, Government of Bihar, Patna
2. The Principal Secretary, Energy Department, Government of Bihar, Patna.
3. The Bihar State Electricity Board, Patna through its Chairman.
4. The South Bihar Power Distribution Company Limited through its Chairman-cum-Managing Director, Patna
5. The Chief Engineer (Commerce), South Bihar Power Distribution Company Limited.
6. The Executive Engineer, Bihar State Electricity Board, Danapur Division.
7. The Assistant Engineer, Bihar State Electricity Board, Danapur Division.
8. The Junior Engineer, Bihar State Electricity Board, Danapur Division.
9. The Senior Superintendent of Police, Patna.
10. The Station House Officer (SHO) of Danapur Police Station.
11. The Investigation Officer of Danapur P.S. Case No. 636/2017.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Respondent-SBPDCL:		Mr. Prakash Kumar, Advocate
For the Respondent-State:		Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 19-02-2019

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

2. The writ petition has been filed by the petitioner



for quashing the first information report of the Danapur P.S.
Case No. 636 of 2017.

3. From perusal of the first information report instituted on the basis of the written report submitted by one Anil Kumar, Assistant Electrical Engineer, Electric Supply, sub-Division, Danapur to the Officer-in-Charge, Danapur Police Station on 12.09.2017 on the basis of which Danapur Police Station No. 636 of 2017 dated 12.09.2017 was registered under Section 135 of the Electricity Act, 2003, I find that an allegation has been made that on 12.09.2017, during course of inspection, carried in the premises of the petitioner, it was found that though the electric line stood disconnected on 14.08.2015 on the ground of non-payment of energy dues for sum of Rs.1,40,057/-, the petitioner was found illegally using electrical energy through main LT line.

4. The allegations made in the first information report do attract ingredients of the offence punishable under Section 135 of the Electricity Act, 2003. Once a cognizable offence is reported to the police, it is their duty to institute first information report and investigate the same.

5. In that view of the matter, I see no illegality in institution of the first information report against the petitioner.



6. The application, being devoid on any merit, is
dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2019
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