

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1000 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- BAGHA District- West Champaran

Mohd. Murad Ansari, Son of Sahabuddin Ansari, Resident of Village - Deen
Dayal Nagar, P.S.- Bagaha, Distt - West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Energy Department, Government of Bihar, Patna.
2. The Managing Director, North Bihar Power Distribution Company Ltd., Vidut Bhawan, Patna.
3. The Chief Executive Engineer, Energy Department, Government of Bihar, Patna.
4. The Executive Engineer, Electrical Distribution Sub-Division, Bagaha, District - West Champaran.
5. Kaniya Vidut Abhiyanta, Vidyut Aporti Awar Parmandal, Bagaha, Distt - West Champaran.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Zainul Abedin, Advocate
For the Respondents-State:	:	Mr. Kinkar Kumar, SC-9
For the NBPDC	:	Mr. Vijay Kumar Verma, Advocate
	:	Mr. Akhileshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-07-2019

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel appearing for the North Bihar
Power Distribution Company Ltd.

2. This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioner for quashing
the First Information Report (for short 'FIR') of Bagaha P.S. Case



No.41 of 2019 dated 23.01.2019 registered under Section 135 of the Electricity Act, 2003.

3. It is submitted by the learned counsel for the petitioner that consumer no.401459618 has been issued by the North Bihar Power Distribution Company Ltd. (for short 'company') in the name of son of the petitioner and he has paid the electricity bill till 26.12.2018 and not a single penny is due against him. The petitioner is in no way concerned with the electricity connection and, thus, the FIR lodged against him is false.

4. *Per contra*, learned counsel appearing for the State submitted that on 23.01.2019 a raid was conducted by the officials of the Electricity Department in the house of the petitioner and it was found that the petitioner was consuming electricity illegally in spite of the fact that his electric connection was disconnected due to non-payment of electricity due. He contended that since theft of electricity was being committed, a report in this regard was filed by the Junior Engineer, Electric Supply Sub-Division, Bagaha pursuant to which the FIR was registered and investigation has been taken up. He has contended that the allegations made are sufficient for conducting investigation into the case.

5. Learned counsel appearing for the company has adopted the submissions made by the learned counsel for the State.



6. Having heard learned counsel for the parties and perused the materials on record, it would be manifest that the informant Sanjay Kumar Verma, Junior Engineer, Electric Supply, Sub-Division, Bagaha has alleged in his report dated 23.01.2019 submitted to the Officer-in-charge, Bagaha Police Station that the electricity service connection no.400632531 was given in the name of the petitioner. The electric supply connection was disconnected due to non-payment of electricity due of Rs.1,86,892/-, but without depositing the electricity due the petitioner was consuming electricity illegally causing loss of more than 1,88,676/- to the company.

7. The allegation made in the FIR would certainly attract the ingredients of the offence punishable under Section 135 of the Electricity Act, 2003, which is a cognizable offence.

8. To hold investigation into a cognizable offence is the statutory right of the police. As far as the defence taken by the petitioner is concerned, the same shall be seen by the investigating agency in course of investigation. At this stage, it would not be proper for the Court to arrive at any finding regarding the innocence or guilt of the petitioner when the matter is still under investigation.



9. Since the allegations made in the FIR do constitute the offence alleged, no case for quashing of the FIR is made out.
10. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2019
Transmission Date	08.07.2019

