

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1065 of 2019

Arising Out of PS. Case No.-344 Year-2018 Thana- JOGBANI District- Araria

Tilakchand Mehta Son of Dhidhar Mehta Resident of Village-Baijnathpur,
Ward no.1, P.S-Jogbani, District-Araria.

... .. Petitioner

Versus

1. The State Of Bihar, Through D. G. P. Bihar, Patna
2. The Chairman-cum-Managing Director, SBPDCL, Bihar, Patna.
3. The Superintendent of Police, Araria.
4. The Executive Engineer, NBPDC, Jogbani, Araria.
5. The Assistant Engineer, NBPDC, Jogbani, Araria.
6. Kunal Kumar Father's name known to the petitioner Junor Engineer,
Electricity Supply Branch, Jogbani, Araria.
7. S.H.O. Jogbani P.S., under the district of Araria.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar
For the Respondent/s : Mr. M. Nasrul Huda Khan

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 15-07-2019

Heard learned counsel for the petitioner and learned
counsel for the North Bihar Power Distribution Company Limited.

2. Despite service of two copies of the writ petition
upon the office of the Advocate General, no one appears on behalf
of the State.

3. This application under Article 226 of the Constitution
of India has been filed by the petitioner for quashing the First
Information Report (for short 'FIR') of Jogbani P.S. Case No. 344
of 2018 registered under Section 135 of the Electricity Act.



4. Learned counsel appearing for the petitioner submitted that the respondents have sent electricity bills under urban area category since long and even after representation made by the petitioner, rectification in the bills was not made. There is no truth behind the allegation that the petitioner was consuming electricity by direct hooking to main LT line. The inspection-cum-seizure report prepared by the officials of the North Bihar Power Distribution Company Limited is also defective, as signature of any independent person has not been obtained over the same.

5. Per contra, learned counsel appearing for the North Bihar Power Distribution Company Limited submitted that there is specific allegation in the FIR registered on the basis of the written report submitted by one Kunal Kumar, Junior Electrical Engineer, Electric Supply Division, Jogbani that he along with other officers of the Electric Supply Division raided the premises of the petitioner situated in Mohalla Baijnathpur, Ward No.1, P.S.-Jogbani, District- Araria and on inspection found that in spite of disconnection of electric line due to non-payment of electricity bills, the petitioner was consuming electrical energy by direct hooking to the main LT line. The PVC wire through which the electric supply was being made in the premises of the petitioner was also seized. He contended that the allegations made in the FIR



are sufficient to attract ingredients of a cognizable offence. He also contended that there is no error or defect in preparation of the inspection-cum-seizure report.

6. I have heard learned counsel for the parties and perused the FIR, as contained in Annexure-1 to the application.

7. In view of the specific allegation made in the FIR by the informant that electricity was being consumed by direct hooking to main LT line in spite of disconnection of electric supply due to non-payment of bills, in the opinion of this Court, the ingredients of a cognizable offence punishable under Section 135 of the Electricity are clearly attracted. Once the ingredients of a cognizable offence are attracted, no illegality can be found in the action of the police whereby they have registered the FIR or took up investigation on the basis of such an FIR. Any defect or error in preparation of the inspection-cum-seizure report would be of no consequence at this stage. Merely because the signature of independent witnesses have not been obtained while preparing inspection-cum-seizure report, the FIR in question cannot be held to be bad. The allegations made in the FIR are yet to be investigated upon. Once the investigation would be completed, the investigating agency would form its opinion about the veracity of the allegations made in the FIR and submit their report before the



court concerned. At this stage, it would not be proper for this Court to jump to any conclusion as to whether the allegations made in the FIR are true or false.

8. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18-07-2019
Transmission Date	18-07-2019

