

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11231 of 2021

Arising Out of PS. Case No.-131 Year-2013 Thana- BHEJA District- Madhubani

PURSOTTAM JHA S/o Late Kamal Narayan Jha Resident of Village-Barsam,
P.O-Bheja, P.S-Bheja, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. North Bihar Power Distribution Company Ltd. through its Chairman,
Muzaffarpur. Muzaffarpur.
3. Junior Electric Engineer Electric Supply Banch Madhepur, District-
Madhubani. Madhubani.

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been preferred against the order dated 25.02.2020 passed by the learned A.C.J.M.-III, Jhanjharpur in Bheja P.S. Case No.131/13, whereby the learned Magistrate has taken cognizance against the petitioner under Section 135 of the Electricity Act.

The prosecution case, in brief, is that on the basis of written report submitted by one Deepak Kumar Das, Junior Electrical Engineer, Electric Supply Division, Madhepur before Officer-In-charge of Bheja Police Station, the aforesaid case was registered against the petitioner of the theft of electricity.



Learned counsel for the petitioner submits that the petitioner was allotted electric connection on 04.12.1996 vide consumer no.B.S.M.-19 but the opposite party did not send energy bill to the petitioner even approached by him. He further submits that in the year 1997, the transformer of the area had burnt and hence there was no power supply for long year and only in the year 2009 the transformer was repaired and electric connection of the petitioner was restored in the month of September, 2010. The petitioner also filed several representations before the authority concerned but without success. He lastly submits that the police without making any investigation and considering the said fact, in a mechanical manner, submitted charge sheet against the petitioner.

Mr. Dilip Kumar No.1, learned APP appearing for the State vehemently opposed the prayer of the petitioner.

Considering the facts and circumstances of the case and the materials available on record, in my considered opinion, the petitioner may raise all these points, as raised in this application, before the learned Court below at the time of framing of charge and the learned Court below is directed to pass the order after affording ample opportunity of hearing to the petitioner.



With the aforesaid observation and direction, this
application stands disposed of.

(Anjani Kumar Sharan, J.)

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