

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.200 of 2022

Arising Out of PS. Case No.-922 Year-2021 Thana- AHYAPUR District- Muzaffarpur

Dr. Vinod Kumar Chaudhary Son of Sheo Pujan Chaudhary Resident of Village - Alkapuri, Bhagwanpur, P.s.- Sadar, Distt.- Muzaffarpur, at present posted as Principal Incharge, Dr. Jagannath mishra College, Chandwara, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Energy Deptt. Patna.
2. The North Bihar Power Distribution Company Ltd, through its Managing Director, Patna.
3. The Electrical Superintending Engineer, Urban Electric Supply Division, North Power Distribution Company Ltd., Maripur, Muzaffarpur.
4. The Electrical Executive Engineer, Urban, Supply Division, North Bihar Power Distribution company ltd., Maripur, Muzaffarpur.
5. The Electrical Junior Engineer, Urban, Electric Supply Division, North Bihar Power Distribution company ltd., Maripur, Muzaffarpur.
6. Sri Vivek Kumar the Assistant Electrical engineer, Electric Supply Sub-Division Kalyani, Distt. Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Adv.
For the Respondent/s	:	Mr. Wasi Mohammad, Ac to Sc-6

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 11-04-2023

Learned counsel for the petitioner and learned counsel for the State present.

The present criminal writ application has been filed to quash the F.I.R. registered as Ahiyapur P.S. Case No. 922 of 2021 dated 26.12.2021 lodged under Section 379 of the I.P.C. read with Section 135 of the Electricity Act.

Counsel for the petitioner has made further prayer

to quash the final assessment order dated 10.01.2022, which has been passed without providing opportunity of filing any objection to him.

Counsel for the State opposes the petitioner and submits that the F.I.R. has been filed for electricity theft. Counsel submits that under the provisions of Electricity Act, theft of electricity is a compoundable offence. Counsel further submits that the final assessment has already been made.

In this view of the matter, there is no scope of interference and this criminal writ petition should be dismissed.

Upon going through the records and the arguments of the parties, this Court is of the view that the arguments of counsel for the State is absolutely right that electricity theft is a compoundable offence and when the provision of compounding is there, the petitioner ought to move for compounding itself.

In this view of the matter, there is no question of quashing of the F.I.R. but so far as the assessment part is concerned, counsel for the petitioner submits that those assessments have been made without providing any opportunity and hence, this Court is directed that the assessment order which has been passed *ex-parte* dated 10.01.2022 is hereby set aside.

The authorities are directed to pass a final

assessment order afresh granting opportunity to the petitioner.

The petitioner is directed to represent himself before the authority of the Electricity Department by way of filing fresh representation within four weeks’ from today and the authority shall decide and assess the electricity charge for which case has been filed within four weeks’ thereafter and if the said assess amount the petitioner become ready to pay, then electricity is directed to be restored.

It is made clear that the acceptable amount may be directed to be paid in easy installments not more than 20.

With this direction, the present criminal writ application stands disposed off.

sadique/-

(Dr. Anshuman, J.)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	