

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77812 of 2023

In
CRIMINAL MISCELLANEOUS No.1567 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Amrendra Mishra @ Amrendra Kumar Mishra N/A R/O Village- Tajpur,
Ratanpura, (SINGHIYA Khurd), P.S- Mufassil, Samastipur, Distt.-
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The North Bihar Power Distribution Company Ltd (NBPDCCL) Through
Assistant Engineer Electric Supply Sub-Division, Samastipur (RURAL).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Om Prakash Upadhyay, Adv.
For the Opposite Party/s :	Mr. Satyanand Shukla, APP
For the O.P No.2 :	Mr. Vinay Kirti Singh, Sr. Adv.
	Mr. Akhileshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2023 1. Heard the learned counsel for the petitioner and the

learned APP for the State along with learned counsel appearing on
behalf of the O.P. No.2 North Bihar Power Distribution Company
Ltd.

2. The learned counsel for the petitioner submits that the
present restoration application has been filed seeking restoration of
Cr. Misc. No. 1567/2023, which stood dismissed for default by an
order dated 05.09.2023 as none had appeared on behalf of the
petitioner. The learned counsel for the petitioner next submits that the
aforesaid quashing application was filed seeking quashing of the
F.I.R. instituted by the opposite party against the petitioner under



section 135 of the Bihar Electricity Act, 2003 including the consequential action by the O.P. No.2 by way of assessment, whereunder the O.P. No.2 maliciously lodged the F.I.R. and the petitioner was saddled with penalty amounting to Rs. 3229312/-.

3. The learned counsel appearing on behalf of the North Bihar Power Distribution Company Ltd. submits that the court may re-consider not allowing the restoration application for the reason that the quashing application has been filed seeking quashing of an F.I.R., which was instituted against the petitioner alleging theft of electricity and the matter is under investigation, it is further submitted if what has been submitted and pleaded by the petitioner in the quashing application is true, in that event the same will also surface during the course of investigation but then the court should be reluctant to nip the investigation in its bud.

4. Considering the submission made by the learned counsel appearing on behalf of the North Bihar Power Distribution Company Ltd., the Court is not inclined to entertain the restoration application.

5. The restoration application is hereby rejected.

(Satyavrat Verma, J)

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