

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.344 of 2025

Arising Out of PS. Case No.-909 Year-2023 Thana- JAHANABAD District- Jehanabad

Arvind Singh Albela @ Arvind Yadav Son of Late Ramashish singh @
Ramashish Yadav Village- Kluaachak, Panchayat- Mande Bigha, PS -Sikriya
OP Distt -Jahanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Pramod Kumar Nirala son of Sri Yadunandan Sharma village- Sighuar,
Po- Dengra, Dist- Gaya Sahayak Electric Engineer, Jehanabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Indradeo Prasad
For the Respondent/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 16-07-2025 The instant revision is taken up for hearing on the
point of Admission.

2. Jehanabad P.S. Case No.909 of 2023, G.R.
No.7563/2023 was registered on 21.09.2023 against one Arbind
Yadav under Section 135 of the Indian Electricity Act, 2003.

3. On 20.09.2023 Assistant Electrical Engineer, South
Bihar Power Distribution Company, Jehanabad lodged a
complaint stating, inter-alia, that on 20.09.2023 he went to the
agricultural land of one Arvind Yadav son of late Ramashish
Yadav of village-Kaluachak, P.S.-Sikriya, District-Jehanabad to
work out a secret information of theft of electricity.

4. At the time of raid, he and other employees of the



Department found that electricity was being consumed from the low tension line running above the agricultural land by hooking with the help of PVC Wire. He assessed that the Electricity Development Corporation suffered loss of Rs.32,751/- beside the amount of compounding. On the basis of the said complaint, police registered Jehanabad P.S. Case No.909 of 2023 on 21.09.2023 against the said Arvind Yadav and on completion of investigation he filed charge-sheet against the said Arvind Yadav. The petitioner claiming himself to be Arvind Singh Albela son of Ramashish Singh pleaded that he is not accused Arvind Yadav and he was falsely implicated in the said case.

5. At the time of hearing, I have clearly asked the learned Advocate on behalf of the petitioner as to whether he received any notice of the proceeding pending before the learned Special Court under the Electricity Act and he replied that he did not receive any notice. He came to know from co-villagers that the instant case was instituted against him.

6. It is submitted by him that he never stays at Jehanabad. However, Jehanabad is his ancestral house. He has ancestral agricultural property at Jehanabad. The said lands are cultivated by some other persons and he does not have any knowledge about theft of electricity.



7. When he came to know that he was implicated in a case under Section 135 of the Indian Electricity Act, he filed an application under Section 156(3) of the Cr.P.C. before the S.H.O. and Superintendent of Police, Jehanabad as police did not take any action, similar application was filed before the Special Court under the Electricity Act.

8. The learned Special Court also did not take any action and the petition is kept with the record.

9. Being aggrieved, the petitioner has filed the instant revision.

10. Having heard the learned Advocate for the petitioner, this Court finds that the instant petition is absolutely misconceived. Section 156(3) of the Cr.P.C. speaks about police officers power to investigate a cognizable case. Sub Section 3 of Section 156(3) states :-

“Any Magistrate empowered under Section 190 may order such an investigation as above-mentioned”

11. Conjoint reading of Section 154 and 156 of the Cr.P.C. says that under Section 154 if some information of cognizable case is made before the police officer of a police station either orally or in-writing, such oral statement shall be reduced to writing by him or under his direction, and be read



over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in his behalf.

12. Section 154 deals with lodging of FIR of a cognizable offence by the police. Section 156 gives power to the police officer to investigate a cognizable offence. There may be some occasion where even after submission of complaint disclosing cognizable offence police does not registered FIR and keeps them unattended.

13. Section 156(3) of the Cr.P.C. comes into action at that stage when police fails to take any step in respect of a complaint disclosing cognizable offence.

14. In such event, the aggrieved person will first take recourse of Sub-Section (3) of Section 154 of the Cr.P.C. sending the copy of the complaint to the higher authority of the police department even then, if no FIR is lodged, the complainant can file a complaint under Section 190 of the Cr.P.C. and in appropriate case such complaint may be sent to the Officer-in-Charge of the jurisdictional police station with a direction to lodge FIR on the basis of the said complaint and to



start investigation.

15. In the instant case, the petitioner requested the police officer as well as the Court under Section 156(3) of the Cr.P.C. to make an enquiry as to whether he is the real accused or not. Such prayer is untenable under Section 156(3) of the Cr.P.C. and utterly misconceived. If the petitioner is not the accused, he can file appropriate application before the Trial Court challenging his identity. Section 156(3) of the Cr.P.C. is no manner of application under the facts and circumstances of this case.

16. In view of the above discussion, I do not find any merit in the instant revision. Accordingly, the instant revision is summarily dismissed.

(Bibek Chaudhuri, J)

mdrashid/-

U		T	
---	--	---	--

