
(2005) 03 JH CK 0055
In the Jharkhand High Court
Case No : Writ Petition (Cr) No. 164 of 2004

Deepak Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-03-2005

Acts Referred:

Penal Code, 1860 (IPC) — Section 379

Citation : (2005) 3 BLJR 1747 : (2005) 4 JCR 120

Hon'ble Judges : Hari Shankar Prasad, J

Bench : Single Bench

Advocate : Ajit Kumar and J.K. Pathak, Prabhash Kumar, for the Appellant; J.C. to G.P.-II, for the Respondent

Judgement

Hari Shankar Prasad, J.—Heard.

2. The only contention of the learned counsel for the petitioner is that earlier a certificate case was filed against the owner of the house who was father of the petitioner and before passing of any order in certificate proceeding, father of the petitioner died and therefore, certificate proceeding was dropped and there was no appeal or revision filed against the order passed in the certificate proceeding which was dropped. The instant case has been registered against the petitioner under Sections 379, IPC and 173/138 of the Indian Electricity Act. The Bill amounting to Rs. 52,122/- has been sent to the petitioner for payment and the amount includes Rs. 5,000/- as charge for damage.

3. Further contention of the learned counsel for the petitioner in this regard is that after death of his father, the house was transferred in the name of his step mother and, therefore, he will not be liable to pay the bill and further that since no appeal or revision against dropping of certificate proceeding has been filed against that order and after death of father of the petitioner, his step mother was not made party or this petitioner was not made party in the certificate proceeding and, therefore, prayer has been made to quash the proceeding.

4. Counter-affidavit was filed on behalf of the State Electricity Board in which it has been stated that the petitioner had filed an application before the competent authority requesting therein to send the bill and he will make payment, the fact to that effect by the petitioner has been annexed with the counter-affidavit as Annexure-B.

5. Considering the fact that the house stands in the name of the Step mother of the petitioner and further that no such substitution was made in the certificate proceeding after death of the father of the petitioner, this application is allowed and annexure-2 is hereby quashed, so far as this petitioner is concerned.