
(2007) 12 UK CK 0021

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 940 of 2007

Manoj Kumar Gupta

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 19-12-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Electricity Act, 2003 — Section 135, 152(2)

Citation : (2007) NCC 232

Hon'ble Judges : B.C.Kandpal, J

Bench : Single Bench

Advocate : S.K. Mandal, for the Appellant;

Judgement

Hon"ble B.C. Kandpal, J.—By way of this petition u/s 482 of Cr.P.C. the petitioner, who is facing trial in Special Sessions Trial No. 133 of 2007, State vs. Manoj Kumar Gupta, u/s 135 of Electricity Act, pending before Sessions Judge, Udham Singh Nagar, has challenged the proceedings of the Criminal Case No. 2493 of 2007. Heard Sri S.K. Mandal, learned counsel for the petitioner, learned A.G.A. for respondent no. 1 and perused the record.

2. Learned counsel for the petitioner has invited my attention towards Annexure-5 to the petition which is a receipt showing that money amounting to Rs. 40,000/- which was imposed against the petitioner as penalty has already been deposited by him on 17th September, 2007. Learned counsel for the respondents has further invited my attention towards Annexure-6 to the petition which shows that again on 19th November, 2007 commercial electricity connection of the petitioner has been regularized by the Department.

3. Learned counsel for the petitioner has also invited my attention towards the provisions of Section 152(2) of Electricity Act, 2003 which reads as follows:

152 (2) - On payment of the sum of money in accordance with subsection (1), any person in custody in connect with that offence shall be set at liberty and no

proceedings shall be instituted or continued against such consumer or person in any Criminal Court.

4. On the basis of the aforesaid provision, learned counsel for the petitioner has raised the argument that now criminal proceedings against the petitioner amounts to abuse of process of court.

5. In view of the aforesaid submission raised by learned counsel for the petitioner, I direct that petitioner shall place all the facts in the notice of the trial court where the matter is pending and trial court after taking into consideration the relevant provisions of law as well as material to be placed by the petitioner before the trial court, shall decide the matter in accordance with law expeditiously and without causing any unreasonable delay.

6. However, the petitioner is at liberty to raise the plea in his defence at the time or framing the charges by the court below. With the aforesaid observations, the petition is finally disposed of Stay order, if any, stands vacated.