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**(2011) 03 JH CK 0097**  
**In the Jharkhand High Court**  
**Case No : Cr.M.P. No. 1538 of 2010**

|                        |    |            |
|------------------------|----|------------|
| Satyandra Rajak        | Vs | APPELLANT  |
| The State of Jharkhand |    | RESPONDENT |

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**Date of Decision :** 29-03-2011

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482  
Penal Code, 1860 (IPC) — Section 34, 379

**Citation :** (2011) 2 JCR 533

**Hon'ble Judges :** Dilip kumar sinha, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

D.K. Sinha, J.—The Petitioner has invoked the inherent jurisdiction of this Court u/s 482 Code of Criminal Procedure for the quashment of the order dated 11.06.2010 by which the C.J.M., Jamshedpur has taken cognizance of the offence under Sections 379/34 of the Indian Penal Code as also u/s 135 of the Electricity Act in Mango P.S. Case No. 334 of 2009 against the Petitioner and others and transferred the record to the Court of A.C.J.M., Jamshedpur for disposal.

2. The prosecution story in short was that a written report was lodged by the informant Assistant Electrical Engineer, J.S.E.B. on 11.09.2009 stating therein that a raid was conducted by the officials of the Electric Supply Division, Mango and in course of raid conducted in several houses in presence of Executive Magistrate, house of one R.C. Rajak was also raided and it was detected that though there was already electric connection in the house even then, they were using by hooking the power supply line and thereby caused loss to the extent of Rs. 20,000/- by the illegal act. It was stated in the written report as contained in column 5 that the house belong to one Satendra Rajak, who was the son-in-law of R.C.Rajak. The Petitioner is admittedly Satendra Rajak and is also the son-in-law of R.C. Rajak.

3. Learned Counsel submitted that the Petitioner was not at all concerned with

the house of R.C. Rajak as he was having a separate holding. The house was purchased by Ram Charan Rajak @ Ram Charan Baitha long ago in the year 1974 and since then he is the owner of the said house. The electric connection was also in his name to which he was regularly paying the electricity charges and other dues regularly to which the receipts have been annexed (Annexure-6). The demand note for realization of holding tax was also issued in his name in the name of R.C. Rajak to which the demand note has been annexed as Annexure-7. R.C. Rajak has also taken a telephone connection from the Telephone Department to which receipts were in his name (Annexure-8 series) and in that manner the Petitioner submits that he has no connection with the house of his father-in-law R.C. Rajak and that he has been falsely implicated in this case.

4. Advancing his argument learned Counsel submitted that the Investigating Officer after investigation submitted charge-sheet. It would be relevant to mention with reference to the charge-sheet, a copy of which has been annexed herein, that only four witnesses could be examined in course of investigation and out of them three were the officials of the Electricity Department and the left out one was the Police Officer. Not a single independent witness much less neighbour of R.C. Rajak has been examined so as to find out the veracity of allegation as to whether the Petitioner was in possession of the said house or not though he does not deny that he is the son-in-law of R.C. Rajak. In the facts and circumstances, the criminal prosecution of the Petitioner may be quashed.

5. Learned Counsel appearing on behalf of the State-Opposite Party submits that the trial is going on after framing of charge and the fact that the ownership of the house may be decided during trial.

6. In the facts and circumstances, I find that the documents produced on behalf of the Petitioner clearly indicate that though he is the son-in-law of R.C. Rajak but the house in question was neither in his possession nor any relevant receipt has been issued in his name, as such his criminal prosecution would tantamount to miscarriage of justice.

7. In the facts and circumstances, this petition is allowed and the criminal prosecution of the Petitioner Satyandra Rajak in Mango P.S. Case No. 334 of 2009, corresponding G.R. No. 2308 of 2009 including the order impugned by which cognizance of the offence has been taken against this Petitioner is quashed.