

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9990 of 2022**

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TAKHUBEN MERABHAI JOGRANA
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR BM MANGUKIYA(437) for the Applicant(s) No. 1
MS BELA A PRAJAPATI(1946) for the Applicant(s) No. 1
for the Respondent(s) No. 2,3,4,5
MR JAY MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 28/03/2024

ORAL ORDER

1. Heard Mr.B.M. Mangukiya, learned advocate for the applicant and Mr.Jay Mehta, learned APP for the respondent – State.
2. This quashing petition is filed by the applicant in relation to the FIR being II-C.R.No.2505 of 2022 registered with G.U.V.N.L. Bhavnagar Police Station for the offences punishable under Section 135 of the Electricity Act, 2003. Pursuant to the said FIR, the police has filed the chargesheet and now the matter is pending before the Court concerned.
3. Having regard to the facts and circumstances of present case, it *prima facie* appears that, the Sarpanch of Gram

Panchayat cannot hold vicariously for the alleged theft of electricity. The light bill issued in the name of Gram Panchayat, and in that view of the matter, without further discussion on merits of the case, let **Rule** be issued, returnable on 25.06.2024. Learned APP waives service of rule for the respondent – State. Meanwhile, proceedings of criminal special case pending before the Court concerned has remained stayed.

Direct Service is permitted.

Rakesh

(ILESH J. VORA,J)