

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P No. 1240 of 2020

Balwant Singh

.... Petitioner(s).

Versus

State of Jharkhand & Anr.

.... Opposite Party(s)

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

THROUGH : VIDEO CONFERENCING

FOR THE PETITIONER(S) : Mr. Madhu Sudan Mittal, Sr. Advocate

FOR THE STATE : Mr. P.D. Agarwal, Spl. P.P

03/15.09.2020

Mr. M.S. Mittal, learned Senior Counsel appearing on behalf of petitioner assisted by Salona Mittal submits that the alleged offence is against the Company but surprisingly the Company has not made an accused. He submits that the FIR has been lodged as if the petitioners who are Directors of the Company has committed the offence in their personal capacity. He submits that there is no whisper as to what overt act has been committed by the petitioner to attract offence under Sections 135 and 138 of the Indian Electricity Act. He submits that cognizance has been taken against the provision Section 149 of the Indian Electricity Act.

Standing Counsel Ms. Asmita Srivastava appearing on behalf of JUVNL who is present in this proceeding submits that she is entitled to receive copies and accept notices on behalf of JUVNL which was earlier Jharkhand State Electricity Board.

Salona Mittal is directed to serve two copies of this petition to Asmita Srivastava through email. Counsel appearing on behalf of JUVNL is directed to file counter-affidavit, if any, within eight weeks.

In the meantime, further proceeding so far as this petitioner is concerned in connection with Ghatshila- Chakulia P.S. Case No. 66 of 2020, corresponding to G.R. No. 557 of 2010, pending in the court of Special Judge (Electricity), Jamshedpur shall remain stayed.

(ANANDA SEN , J)