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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 783 OF 2006

MAHARASHTRA STATE ELECTRICITY BOARD

.....APPELLANT(S)

VERSUS

KASIM & ANR.

.....RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 784 OF 2006

O R D E R

Crl.A. No. 783/2006

Heard Mr. A.S. Bhasme, learned counsel appearing for the appellant.

This appeal is directed against an order passed by the Nagpur Bench of the Bombay High Court by which it quashed the proceedings arising from an FIR in regard to certain offences allegedly committed by the respondents under Sections 135 and 138 of the Electricity Act, 2003. The High Court took the view that the institution of the case by means of an FIR was not in accordance with Section 151 of the Act (as it stood prior to its amendment by Act No. 26 of 2007 with effect from June 15, 2007). Section 151 deals with cognizance of offences and prior to amendment provided that no Court would take cognizance of an offence punishable under the Act except upon a complaint in writing made by the authorities specified in that Section.

While quashing the proceedings arising from the FIR, the High Court left it open to the Deputy Executive Engineer, Maharashtra State Electricity Board, to file2/-

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the complaint before the proper forum or to pursue such other remedy as might be open to him in law.

On hearing Mr. A.S. Bhasme, we are of the view that the High Court order does not suffer from any infirmity.

We find no merit in the criminal appeal. It is, accordingly, dismissed.

Crl.A. No. 784/2006

In view of the dismissal of Crl.A. No. 783/2006, involving the same question of law, this appeal preferred by the State of Maharashtra also stands dismissed.

.....J
(AFTAB ALAM)

.....J
(R.M. LODHA)

NEW DELHI,
JANUARY 25, 2011.
ITEM NO.108

COURT NO.12

SECTION IIA

MAHARASHTRA STATE ELECTRICITY BOARD

Appellant (s)

VERSUS

KASIM & ANR.

Respondent(s)

(With appln(s) for stay and office report)

WITH

APPEAL(CRL) NO. 784 of 2006

(With appln. for interim stay and office report)

Date: 25/01/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM

HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s)

AR 783/2006

Mr. A.S. Bhasme, Adv.

Mr. Pankaj Kumar Mishra, Adv.

Mr. Manoj Kumar, Adv.

AR 784/2006

Mr. Pratik Bombarde, Adv.

State

for Ms. Asha G. Nair, Adv. (NP)

For Respondent(s)

Mr. Mukesh Verma, Adv.

Mr. Saurabh Ajay Gupta, Adv.

Mr. A.K. Sharma, Adv.

Mr. Satyajit A. Desai, Adv.

Mr. Prashant R. Dahat, Adv.

Mr. Somnat Padhan, Adv.

Mr. G.V. Rao, Adv. (NP)

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UPON hearing counsel the Court made the following
O R D E R

The Criminal Appeals are dismissed.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master

(signed order is placed on the file)