



CGHC010113142012

2026:CGHC:38698

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 59 of 2012

- Kishun Kumar Kashyap S/o Shri Battu Lal, Aged About 35 Years R/o Village Bhathapara Pendri, Police Station And Tahsil Janjgir, Distt. - Janjgir-Champa (C.G.)

... Appellant

versus

- Chhattisgarh State Electricity Distribution Company Maryadit Through : The Assistant Engineer, (Distribution) (Communication/Maintenance) Division Champa, District Janjgir-Champa (C.G.)

... Respondent

For Appellant	:	Mr. Vivek Singhal, Advocate
For Respondent	:	Mr. Varun Sharma, Advocate
For State	:	Ms. Laxmeen Kashyap, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas

Judgment on Board

01.09.2026

- The appellant has filed the present appeal under Section 374(2) of the Criminal Procedure Code, 1973 against judgment of conviction and order of sentence dated 03.01.2012 passed by learned Special Judge (Electricity Act), Janjgir, District Janjgir-Champa (C.G.) in Special Electricity Criminal Case No. 1/2011 whereby the appellant has been convicted under Section 135(1)(a) of the Electricity Act, 2003 and sentenced to undergo rigorous imprisonment for 06 months and fine amount of Rs. 1,000/- in default of payment of fine additional R.I. for 03 months. He was also directed to deposit Rs. 46,430/- under Section 154(5) of the Electricity Act, 2003 (in short "Act of 2003") towards the

civil Liability against a consumer or in terms of money for theft of energy.

2. Learned counsel for the appellant would submit that he will not argue the appeal on merit but would submit that during course of trial the appellant remained in incarceration for 10 days and had already deposited the amount of Rs. 46,430/- as per Section 154(5) of the Act of 2003 and now the appellant is about 50 years old and he is settled with the family and if he is sent behind the bar at this stage of life it will be adversely affect not only his life but his entire family, thus he would pray that the sentence imposed by the learned trial Court may be reduced to the period already undergone by him.
3. Per contra learned counsel for the respondent/CSPDCL opposing the submission would submit that finding recorded by learned trial Court is legal and justified. He would further submit that nowadays electricity theft is a severe economic offense, impacting public utilities and society, therefore leniency should not be adopted and would pray for dismissal of the appeal.
4. I have heard learned counsel for the parties and perused the records of the trial Court.
5. Considering the fact that the incident took place on 04.12.2010 and more than 16 years has already been lapsed, the appellant has already undergone the jail sentence of 10 days and has paid amount of Rs. 46,430/- and also considering the fact that the appellant is now aged about 50 years and he is settled with the family, I am of the view that there are sufficient mitigating factors available on record to reduce the sentence to the period already undergone by the appellant.

6. Accordingly, affirming the conviction under Section 135(1)(a) of Electricity Act, 2003, the sentence is reduced to the period already undergone by the appellant by directing him to deposit additional amount to the tune of Rs. 10,000/- to be payable to the complainant by way of fine as provided under Section 135(i) of the Act of 2003 within two months from the date of receipt of copy of this order.
7. Consequently, the instant appeal is partly allowed to the extent indicated hereinabove.
8. Let a copy of this judgment and the original record be transmitted to the trial court concerned forthwith for necessary information and compliance.

Sd/-
(Narendra Kumar Vyas)
Judge