



CNR: KAHC010181502015

NC: 2026:KHC:55708
CRL.A No. 251 of 2015

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 5TH DAY OF OCTOBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO.251 OF 2015 (C)**

BETWEEN:

1. ANJANEYA REDDY
S/O NAREPPA
AGED 45 YEARS,
R/A KALLAHALLI ROAD,
MALAPALLI VILALGE, CHINTAMANI CITY.

...APPELLANT

(BY SRI. VIJAYKUMAR PRAKASH, ADV.)

AND:

1. STATE OF KARNATAKA
BY POLICE SUB-INSPECTOR,
BESCOM VIGILANCE POLICE STATION,
BENGALURU ELECTRICITY CO. LTD.,
(BESCOM), CHIKKABALLAPURA,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS,
BANGALORE 560 001.

...RESPONDENT

(BY SRI. K. NAGESHWARAPPA, HCGP)

CRL.A. FILED U/S 374(2) CR.P.C BY THE ADV. FOR THE APPELLANT PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGEMENT AND SENTENCE DATED:13.2.2015 PASSED BY THE ADDL. DIST. AND SESSIONS JUDGE, CHIKKABALLAPURA IN ELECTRICITY ACT.CASE NO.51/2010 - CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCES P/U/S 135 OF ELECTRICTIY ACT 2003.



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THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has preferred this appeal against the Judgment of conviction and order on sentence passed by Additional District and Sessions Court, Chikkaballapur in Electricity Case No.51 of 2010 dated 13th February 2015 (for short, the "trial Court").

2. Parties herein are referred to as per their rank before the trial Court.

3. Brief facts, leading to this appeal are that the Sub-Inspector of Police, Vigilance Squad, BESCO, Chikkaballapur submitted charge-sheet against the accused for offence punishable under Section 135 of Indian Electricity Act, 2003. It is alleged by the complainant that on 5.4.2010 at 11.00 am, in front of the House of the accused at Malapalli Village, Chintamani Taluk, accused has obtained unauthorised electricity connection to his house through aluminium wire directly from the electric pole erected within 3 meters away from his house and caused loss



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to the tune of Rs.1,64,140/- to BESCO. Thus, the accused has committed the alleged offence.

4. After filing charge-sheet, cognizance was taken and case was registered in Electricity Case No.51 of 2010. Accused appeared before the Court and was enlarged and bail. On hearing, charges were framed against the accused for the offence punishable under Section 135 of Indian Electricity Act. The same were over and explained to the accused. Having understood the same accused pleaded not guilty and claimed to be tried. To prove the guilt of the accused, in all, 4 witnesses were examined as PWs1 to 4 and marked 5 documents as Exhibits P1 to P5 and one material object marked as MO1. On closure of complainant's side evidence, statement of the accused under Section 313 of CrPC was recorded. Accused has totally denied the evidence appearing against him. However, he did not choose to lead any defence evidence on his behalf. Having heard on both sides, the trial Court convicted the accused for the offence punishable under Section 135 of Indian Electricity Act, 2003 and sentenced to undergo two years simple imprisonment and pay a fine of Rs.50,000/-. The trial



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Court has also permitted the complainant to recover the amount of Rs.1,64,140/- from the accused. Being aggrieved by the Judgment of conviction and order on sentence, the Appellant/accused has preferred this appeal.

5. Sri Vijaykumar Prakash, learned Counsel appearing for the complainant would submit that the investigating officer has not produced any document to show that the RR stands in the name of the accused. The investigating officer has also not produced any document to show that the accused is the owner of the disputed premises as on the date of commission of offence. The trial Court has mechanically convicted the accused without any evidence. The trial Court has not properly appreciated the evidence and record in accordance with law. On all these grounds, it is sought for allowing the appeal.

6. As against this, Sri K Nageshwarappa, learned hCGP appearing for the State would submit that the trial Court has properly appreciated the evidence on record and the materials produced before it in accordance with law and passed the impugned Judgment of conviction and order on sentence.



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There is no ground for interference in this appeal. Accordingly, it is sought for dismissal of the appeal.

7. I have examined the materials place before this Court. It is alleged by the prosecution that on 5.4.2010 at 11.00 am, in front of the House of the accused at Malapalli Village, Chintamani Taluk, when the complainant visited the spot with vigilance squad, the accused has obtained unauthorised electricity connection to his house through aluminium wire directly from the electric pole erected within 3 meters away from his house and caused loss to BESCOM the tune of Rs.1,64,140/-. Thus, the accused has committed the alleged offence. To prove the guilt of the accused, the complainant has examined four witnesses as PWs 1 to 4 and marked 5 documents as Exhibits P1 to P5.

8. PW1-Anil Kumar is the Assistant Executive Engineer of BESCOM. He has deposed in his evidence that on 5.4.2010, since the vigilance Squad BESCOM have informed him the theft of electricity in Malpalli, he went along with CW4 to the House of the accused and he found as to theft of electricity committed by joining the aluminum wire direct to the electric pole and



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connecting the same to 5 HP motor pumpset for drawing water. Then he has seized 3 meter wire connected to the electricity pole, under mahazar Exhibit P1.

9. PW2-Shivashankar is the investigating officer who has deposed as to investigation conducted by him.

10. PW3-Mohammed Ghouse Peer is the Assistant Executive Engineer of the complainant company who has deposed that on 5.4.2010 at 11.00 am he went to Malapalli Village for investigation where he found the theft of electricity in the House of the accused. Then he conducted seizure mahazar as per Exhibits P1 and P3. He has also prepared report as per Exhibit P4.

11. PW4 Ayaz Sab is the Head Constable who has deposed as to registration of the case against the accused.

12. On careful examination of the entire evidence and record, it is crystal-clear that the investigating officer has not produced any document to show that the accused is the owner of the premises in question. The investigating officer has also not produced any document to show that the accused is having 5HP



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motor to which the electricity connection is obtained directly from the pole through an aluminium wire.

13. Exhibit P5 is the inspection report which does not reveal as to the door number of the house. The investigating officer has not collected the Katha extract pertaining to the said house. The investigating officer has not explained anything as to non-production of the material piece of evidence. Viewed from any angle, I do not find any cogent, convincing or legal evidence before the Court to convict the accused for the alleged offences. It is well settled principle of criminal jurisprudence that prosecution shall establish its case beyond reasonable doubt. In the case on hand, the prosecution has not placed any material to convict the accused. However, the trial Court has convicted the accused only on the basis of assumptions and presumptions, which is not sustainable in law. Accordingly, I answer Point No.1 in the affirmative.

14. For the reasons aforesaid, I proceed to pass the following:



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ORDER

1. Appeal is allowed;
2. Judgment of conviction and order on sentence dated 13.02.2015 passed in Electricity Case No.51 of 2010 by the Additional District & Sessions Judge, Chikkaballapura, is set aside;
3. Accused is acquitted of the offence punishable under Section 135 of Indian Electricity Act, 2003;
4. Bail bond of the accused shall stand cancelled;
5. The trial Court is directed to refund the fine amount if any deposited by the appellant/accused.

Registry is directed to send the copy of this Judgment along with trial court Records to the concerned Court.

**Sd/-
(G BASAVARAJA)
JUDGE**

LNN
LIST NO.: 1 SL NO.: 71