

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.469 OF 2015

IN

CRIMINAL APPEAL NO.957 OF 2011

MEHMOOD ALI ASGARALI LOHAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.V.S.Tiwari & Mr.V.K.Singh, Advocate for the Applicant.

Mr.Rakesh Singh i/b. M.V.Kini & Co., Advocate for BEST.

Mrs.S.V.Gajare, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 10th APRIL 2015.

P.C. :

1 Heard.

2 The appeal filed by the applicant, from his conviction in respect of an offence punishable under Section 135 of the Electricity Act, has already been admitted and is pending final

disposal. In the meantime, the present application has been made praying that the applicant be allowed to compound the offence with the BEST, on whose complaint, the prosecution came to be launched.

3 BEST has not been made a party to this application. However, Mr.Rakesh Singh, the learned counsel for the BEST, is present and informs that two officers from BEST – Mr.G.D.Deshmukh, Superintendent (ES) and Mr.V.K.Patil, Deputy Legal Officer, are also present in the court hall. It transpires that the offence has, actually, not yet been compounded. The applicant only intends that the offence be got compounded, which cannot be done without the consent of BEST. It also appears that BEST is ready to consider the question of compounding.

4 Since, however, the conditions required for compounding of the offence in question, have not been complied with, the application is misconceived. The same is rejected.

5 It is, however, clarified that the applicant shall be at liberty to make a fresh application for compounding, after the matter between the parties is settled, in accordance with Section 152 of the Electricity Act.

(ABHAY M. THIPSAY, J.)