

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.155 of 2015

Savita Nandlal Jaiswal .. Appellant
Versus
Aarti Prakash Ghare and ors .. Respondents

Mr.P.G. Sarda, Advocate for the appellant

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

CORAM : ABHAY M. THIPSAY, J.

DATED : 27th FEBRUARY, 2015

P.C. :

1 This is an Appeal by the original First Informant who claims to be a victim of the alleged offence, and entitled as such, to to file an Appeal under the proviso to section 372 of the Code of Criminal Procedure.

2 Heard the learned counsel for the appellant who fairly submits that the State of Maharashtra had also filed an application for leave to Appeal against the judgment and order that has been impugned by filing the present appeal. He submits that this Court refused to grant leave and dismissed the application for Leave to Appeal as had been filed by the State. (Application for Leave to Appeal No.140/14 decided on 9th January 2015). He has made a copy of the said order available to me for my perusal.

3 The primary reason which led to the acquittal of the respondent was that the person who had lodged the First Information Report was not an authorized person, and that in view of the provisions of section 151 of the Electricity Act, which provides for cognizance of the offence in question i.e. the offence punishable under section 138 of the Electricity Act to be taken only on the complaint of one of the persons specified in the said section, the cognizance of the alleged offence could not be taken. This reasoning of the trial court was found to be proper and legal by this Court.

4 The learned counsel for the applicant is unable to state as to how the observation in that regard as made by the trial court is not in accordance with law.

5 The Appeal is summarily dismissed.

(ABHAY M.THIPSAY, J)