

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-A No.804-MA of 2013(O&M)
DATE OF DECISION:12.02.2015

Dakshin Haryana Bijli Vitran Nigam

...Appellant

Vs.

Surjit Singh

...Respondent/accused

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr. Sudhir Kumar Hooda, Advocate
for the appellant.

Mr. Rahul Gautam, Advocate for respondent.

M.M.S.BEDI, J.(ORAL)

This is an application seeking leave to appeal against acquittal of respondent who was consumer of appellant having domestic connection. On checking by Vigilance Department on 11.01.2010, he was found indulging in theft of electricity by taking direct supply for non-domestic purposes i.e. for running a P.G. On the basis of checking report, a complaint was filed. The trial Court has acquitted the respondent inter alia on the ground that neither any independent witness was examined nor the Electricity Department was able to establish the commission of theft for non-domestic purposes.

I have gone through the judgment of the trial Court and the reasons for acquittal and I am of the considered opinion that the trial Court has rightly given benefit of doubt to the respondent. Besides this, it is observed that the complainant/appellant has got alternative remedy to

recover the penalty by establishing, in accordance with law the irregularity/illegality if committed by the consumer. Other alternative measures are also available with them in case the penalty is not paid/recovered. No ground is made out to interfere in the order of acquittal.

The delay in filing of the application is allowed but leave to appeal is declined without prejudice to the other rights of the appellant. The application is accordingly dismissed.

12.02.2015
rimpal

(M.M.S.BEDI)
JUDGE