

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

CRA-S-534-SB of 2015 (O&M)
Date of decision : 15.09.2015

Dr. Karamjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R. K. Garg, Advocate for the applicant-appellant.

Ms. Harsimrat Rai, DAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

Vide order dated 12.01.2015 passed by the Special Judge, Kapurthala, the applicant-appellant was convicted and sentenced to undergo rigorous imprisonment for the period of two years under Section 135 of the Electricity Act, 2003.

Learned counsel for the applicant-appellant states that the applicant-appellant is ready and willing to pay the compounding fee in terms of Section 152 of the Electricity Act, 2003. The affidavit of Er. Kanwar Jaswant Singh, SE/DS, PSPCL, Circle Kapurthala has been filed in the Court, is taken on record, wherein, the officer states that as the applicant-appellant is seeking compounding of offence and if this

Court permit to do so then PSPCL is ready subject to conditions imposed by this Court. The learned counsel for the applicant-appellant further submits that to show his bonafide the applicant-appellant has already prepared a demand draft for an amount of Rs.1,40,000/- (Annexure A-1), therefore, leniency may be taken in the matter .

The learned State counsel submits that applicant-appellant is a first offender.

Heard.

Section 152 of the Electricity Act, 2003 reads as under:-

“152. (1)Notwithstanding anything contained in the Code of Criminal Procedure 1973, the Appropriate Government or any officer authorized by it in this behalf may accept from any consumer or person who committed or who is reasonably suspected of having committed an offence of theft of electricity punishable under this Act, a sum of money by way of compounding of the offence as specified in the Table below:

TABLE

<i>Nature of Service</i>	<i>Rate at which the sum of money for Compounding to be collected per Kilowatt(KW)/Horse Power (HP) or part thereof for Low Tension (LT) supply and per Kilo Volt Ampere (KVA) of contracted demand for High Tension(HT)</i>
<i>(1)</i>	<i>(2)</i>
<i>1. Industrial Service</i>	<i>twenty thousand rupees;</i>
<i>2. Commercial Service</i>	<i>ten thousand rupees;</i>
<i>3. Agricultural Service</i>	<i>two thousand rupees;</i>
<i>4.Other Services</i>	<i>four thousand rupees</i>

Provided that the Appropriate Government may, by notification in the Official Gazette, amend the rates specified in the Table above.

(2) On payment of the sum of money in accordance

with sub-section (1), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such consumer or person in any criminal court.

(3) The acceptance of the sum of money for compounding an offence in accordance with sub-section (1) by the Appropriate Government or an officer authorised in this behalf empowered in this behalf shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973.

(4) The Compounding of an offence under sub-section (1) shall be allowed only once for any person or consumer.”

Keeping in view the provision of Section 152 of the Electricity Act, 2003; that the applicant-appellant is a first offender and the applicant-appellant is ready to deposit the entire amount in terms of Section 152 of the Electricity Act, 2003, the respondent is directed to receive the compounding fee. However, the applicant-appellant shall further pay Rs.25,000/- towards the cost of litigation within one month from the receipt of certified copy of this order.

In view of the above order, the judgment of conviction dated 12.01.2015 is also modified to the extent indicated above. This appeal cannot be continued against the consumer-appellant in view of provisions of Section 152(2) of the Act.

Accordingly, the appellant-Karamjit Singh be set at liberty in this case.

Disposed of.

15.09.2015

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ASHOK KUMAR
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I attest to the accuracy and
authenticity of this document

(JITENDRA CHAUHAN)
JUDGE