

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 212 of 2016

Chhattisgarh State Power Distribution Company Ltd. **Versus** Vijay Chand Dewangan

12/07/2016	Shri Ghanshyam Patel, Advocate for the applicant. Shri Vipin Tiwari, Advocate for the respondent. The instant Cr.M.P. has been preferred within its limitation. Heard on the application for grant of leave under Section 378(4) of the Code of Criminal Procedure, 1973 (in short 'the Code'). The respondent/accused held acquitted for the charges under Section 135 of the Electricity Act, 2003 by the Special Judge under the Electricity Act, 2003, Balod, C.G. in Special Complaint Case No.6700003/2013 vide judgment dated 31-10-2015. On behalf of the complainant it is submitted that there is sufficient evidence so as to hear the acquittal appeal on its merit challenging the acquittal passed by the trial Court. Hence, leave to appeal may be granted. Perused the evidence adduced during the trial on behalf of the complainant/applicant, as provided in proviso after the proviso of (ii) of Sub-section (1) of Section 135 of the Electricity Act, 2003, the presumption clause and the evidence adduced on behalf of the complainant, without commenting anything on its merit, in totality, it would be appropriate to grant leave to appeal against the judgment of acquittal passed by the trial Court. Consequently, the instant Cr.M.P. is hereby allowed.	

Registry is directed to register the Acquittal Appeal, further directed to list the matter for hearing on motion of said acquittal appeal after two weeks.

Cr.M.P. allowed.

Sd/-
(Chandra Bhushan Bajpai)
Judge