

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA No. S-1097-SB of 2014 (O&M)
DECIDED ON: FEBRUARY 10, 2016

MANJIT SINGH

.....APPELLANT

VERSUS

STATE OF PUNJAB & ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. B.S. Bhalla, Advocate
for the appellant.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Balbir Singh, SDO, Sub Urban, PSPCL, Kotkapura
for respondent No.2.

JASPAL SINGH, J (ORAL)

CRM No. 33559 of 2015

Instant application has been filed under Section 482 Cr.P.C. during the pendency of appeal, seeking permission to compound the offence and to show his *bonafide*, applicant/appellant has already deposited a sum of ₹15,33, 819/- on account of alleged commission of theft of electricity as well as compounding of charges. Mr. Balbir Singh, SDO who is present in Court has furnished his affidavit, which is taken on record. According to him the afore-said amount has been admittedly deposited by the applicant/appellant and further that respondent No.2-complainant has no objection, in case, the instant application is allowed.

2. In view of the factum of deposit of amount outstanding against the applicant/appellant as well as the fact that such an offence under Section 152 of the Electricity Act, 2003 is compoundable, necessary permission is hereby accorded.

3. Accordingly, instant application is allowed.

CRA No. S-1097-SB of 2014

At the oral request of learned counsel for the appellant instant appeal is taken up today for final hearing.

Challenge in this appeal is to the order dated February 26, 2014 passed by learned Judge, Special Court, Faridkot whereby, appellant has been convicted under Section 135 of the Indian Electricity Act, 1985 (for short 'Act') and sentenced to undergo RI for a period of two years and to pay a fine of ₹5000/- and in default thereof, to further undergo imprisonment for a period of four months in case FIR No. 46 dated November 04, 2010 registered at Police Station Anti Power Theft Police Zone, Punjab State Electricity Board, Bathinda under Section 135 of the Act.

In response to notice of motion, respondent No.1 is represented by Mr. J.S. Sekhon, AAG, Punjab as well as Mr. Balwinder Singh, SDO has put in appearance on behalf of respondent No.2.

Since the controversy/dispute existing between the parties stood compounded, impugned judgment of conviction and order of sentence dated February 26, 2014 are set aside by way of acceptance of instant appeal whereby, appellant stands acquitted of the charge levelled against him.

FEBRUARY 10, 2016
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(JASPAL SINGH)
JUDGE