

CWP No.11546 of 2016

[1]

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

**CWP No.11546 of 2016
Date of decision:02.06.2016**

Punjab State Power Corpn. Ltd. and others ...Petitioners

Versus

Sub Divisional Magistrate-cum-
Appellate Tribunal, Hoshiarpur and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Promial Nain, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners have challenged the order dated 08.12.2014 by which the appeal filed by respondent No.2 has been allowed and the order of the Competent Authority dated 02.07.2009 has been set aside.

Counsel for the petitioners has not disputed that an FIR No.23 dated 04.10.2009 was lodged against respondent No.2 under Section 135 of the Electricity Act, 2003, in which he was prosecuted vide Challan No.3 dated 16.09.2010 before the Court of Manjinder Singh, Addl. District Judge, Hoshiarpur, exercising the powers of the Special Court, in which he was acquitted vide order dated 01.08.2013 from the charge of theft holding that respondent No.2 has been charged on assumptions and presumptions and there is no concrete evidence against him for commission of the theft.

Once the respondent No.2 has been acquitted from the charge

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of theft, the Appellate Authority has allowed the appeal, setting aside the order by which respondent No.2 was asked to pay the amount assessed and payable on account of commission of theft.

After hearing learned counsel for the petitioners at length and perusing the record, I do not find any reason to interfere in this petition as the respondent No.2 has already been acquitted of the charge of theft and has been held to be not liable to pay the amount, as claimed by the petitioners and assessed on account of theft of the electricity.

Dismissed.

June 02, 2016
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(Rakesh Kumar Jain)
Judge