

THE HON'BLE SMT. JUSTICE T.RAJANI

CrI.P.No. 2656 of 2011

ORDER:

This petition is filed seeking for quash of the charge sheet No.2 of 2010, dated 19.10.2010 of P.S. Vigilance & Anti Power Theft Squad, Team-II (Central Circle), Hyderabad. The offence for which the charge sheet is filed is under Section 135 of the Electricity Act, 2003 (for short 'the Act'). The petitioners herein are arrayed as Accused No.2 and 3 in the said crime.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor. None appears for the 2nd Respondent in spite of notice.

3. The counsel for the petitioners contends that Accused No.1 is the tenant of the premises where the alleged offence was traced out, Accused No.2 is the owner of the premises, and Accused No.3 is the vendor of the premises sold to Accused No.2, but he continues to be the owner on record as the sale was not concluded.

4. A perusal of the charge sheet shows that Accused No.1 made a confession that he was the person who hooked to the nearby LT OH lines with service wires and used the power directly to his factory purpose. Section 135 of the Act makes a person, who taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or

service facilities of a licensee or supplier etc., so as to abstract or consume or use electricity, liable for the punishment for the said offence. The provision does not speak about any vicarious liability of the owner of the premises.

5. Hence, when there is a clear confession made by Accused No.1 that he is the person, who has committed the offence, and when he does not spell about any role of Accused No.2 and Accused No.3 in the offence committed by him, continuation of the proceedings against the Petitioners/ Accused No.2 and Accused No.3 would be a sheer abuse of process of law.

6. Hence, the petition is allowed and the charge sheet against Accused No.2 and Accused No.3 is quashed. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

28th November, 2017
Kv

T.RAJANI, J.

