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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 590/2013

SURAJ BHAN & ORS

..... Appellants

Through: None

versus

STATE & ANR.

..... Respondents

Through: Ms.Rajni Gupta, APP for the State
Mr.Sharique Hussain, Advocate for
R-2/BSES

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.12.2017

CRL.A. 590/2013

1. By way of this appeal filed under Section 156 of the Indian Electricity Act, 2003 read with Section 374 Cr.P.C., the appellants are praying for setting aside the judgment dated 3rd April, 2013 passed in Complaint Case No.318/2008 whereby he has been held guilty for committing the offence punishable under Section 135 of Electricity Act, 2003. Challenge has also been laid to the order on sentence and order on civil liability dated 3rd April, 2013 passed by learned ASJ, Saket Courts, New Delhi.
2. Vide order on sentence dated 3rd April, 2013, the appellants/convicts were sentenced as under:-

'Now, calculating the fine on the said basis, there are three theft bills have been raised in the present case, out of which one

theft bill bearing No.AGENR210120080069 dt. 24.01.2008 is for more than 10 KWs of energy consumption and accordingly, accused Suraj Bhan and Deepak are directed to pay ₹84,000/- (making it a round figure) as fine being three times of the financial gain on account of theft of electricity by the said convicts and the other two bills are for non domestic purpose and accordingly the convicts Rakesh and Mukesh are directed to pay the fine of ₹28,190/- being the actual financial loss to the complainant. In default of fine, convicts Suraj Bhan and Deepak shall further undergo SI for a period of six months each and convicts Mukesh and Rakesh shall further undergo SI for a period of two months each.'

3. While passing order dated 3rd April, 2013 on civil liability, the learned ASJ has directed the appellants/convicts as under:-

'As the convicts have failed to discharge their onus that they were not using the energy for preceding 12 months, they are directed to pay the respective amount against the theft bill No.AGENR210120080069, bill No. AGENR210120080070 & bill No. AGENR210120080071 after deducting electricity tax mentioned in the said respective three bills towards their respective civil liability, failing which the said amount shall be recoverable from all the convicts as if the present order is a decree of a civil Court.'

4. This Court vide order dated 3rd May, 2013 while referring the matter to Continuous Lok Adalat stayed the operation of the impugned order subject to the appellants depositing 50% of the amount directed to be paid as civil liability within three weeks with the Registrar General of this Court.

5. Vide order dated 1st October, 2013 passed by Presiding Officer, Lok Adalat, the parties have amicably settled the issue regarding civil liability. As per the settlement before the Lok Adalat, out of the total amount of ₹2,81,056/- towards civil liability, ₹1,40,000/- has already been deposited vide Demand Draft No.821651 dated 30th September, 2013 and the balance

amount of ₹1,41,056/- was to be paid in five equal monthly instalments.

6. Vide order dated 16th July, 2014, this Court vacated the interim stay on account of failure to deposit the balance amount of ₹28,100/- by the appellant No.1, Suraj.

7. Thereafter, vide order dated 21st July, 2014, this Court while granting stay recorded that learned counsel for the appellant has handed over Demand Draft towards balance amount of ₹28,212/- to the counsel for the Respondent No.2/BSES.

8. On the last date of hearing, it was submitted by learned counsel for the appellants that the matter has been settled with the respondent No.2/BSES and all the dues have been paid.

9. Today none has appeared on behalf of the appellants.

10. Learned counsel for the respondent No.2/BSES is present and submits that matter was settled before Lok Adalat and the civil liability also stands discharged by the appellants/convicts.

11. Since the offence has been compounded, nothing further survives for consideration in this appeal and the same is hereby disposed of in terms of settlement before the Lok Adalat vide order dated 1st October, 2013.

CRL.M.B.Nos.900/2013 & 10019/2014

Dismissed as infructuous.

PRATIBHA RANI, J.

DECEMBER 05, 2017

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