

1# \$~

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

+ CRL.A. 1163/2016 and CrI. M.B. No. 2166/2016 (suspension of sentence)

RUBY MINOCHA & ANR

..... Appellants

Represented by: Mr. Raghu Vasishth,
Advocate with appellants in person.

versus

BSES RAJDHANI POWER LTD

..... Respondent

Represented by: Mr. Puneeth K.G. and Mr.
Sunil Fernandes, Advocates
with Ms. Jaya Thakuria, Sr.
Legal Manager and authorised
representative of BSES
Rajdhani in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

23.03.2017

1. By this appeal the appellants Ruby Minocha and Sanjay Minocha have challenged the judgment dated 8th October, 2016 convicting them for offences punishable under Sections 135 and 138 of the Electricity Act. Besides Sanjay Minocha has also been held guilty under Section 150 of the Electricity Act, 2003. Vide order on sentence dated 8th October, 2016 the appellants have been directed to pay a fine of ₹4,97,547/- and in default to undergo simple imprisonment for a period of three months. The civil liability has been determined to be ₹2,31,697/-.

CRL.A. 1163/2016

Page 1 of 3

2. During the pendency of the present appeal, the parties expressed their desire to negotiate a settlement and hence they were referred to the Delhi High Court Mediation and Conciliation Centre. Report of the learned Mediator has been received, as per which the parties have entered into a settlement on 4th January, 2017 and pursuant to the settlement appellants have paid the civil liability amount of ₹3,29,295/-.

3. Ms. Jaya Thakuria, Senior Legal Manager of Respondent/M/s BSES Rajdhani Power Ltd. is present in Court and is identified by the learned Counsel. She states that she is competent and authorised to depose on behalf of respondent. She states that the amount of ₹3,29,295/- has already been received by the respondent and the respondent does not wish to proceed with the above noted complaint and the proceedings pursuant thereto and the judgment of conviction and order on sentence against the appellants be set aside.

4. Section 320 Cr.P.C. permits compounding of the offence even in appeal or revision.

5. Considering the fact that the parties have settled the matter and the civil liability amount of ₹3,29,295 has already been received by the respondent, the impugned judgment of conviction and order on sentence dated 8th October, 2016 passed by learned Additional Sessions Judge, Special Court under the Electricity Act, 2003, Saket Courts, New Delhi is set aside.

6. Appellants and Ms. Jaya Thakuria, Senior Legal Manager of respondent, identified by their respective counsels, have signed this order sheet in acknowledgment of their statements made before this Court.

7. Appeal and application are disposed of.
8. Since the impugned judgment and order on sentence are set aside, the bail bond and the surety bond furnished by the appellants are discharged.

MUKTA GUPTA, J.

MARCH 23, 2017

‘vn’