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

+ **CRL.A. 1098/2017 and Crl. M.B. 2125/2017**

RAKESH

..... Appellant

Represented by: **Mr. S. Firoz and Mr. Jewan
Chandra, Advocates.**

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondent

Represented by: **Mr. Ashok Kumar Garg, APP
for the State.**

**Mr. Sunil Fernandes, Standing
counsel for BSES RPL with
Mr. Arnav Vidyarthi, Ms. Anju
Thomas and Ms. Nupur Kumar,
Advocates for respondent No.
2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.12.2017

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1. Notice.
2. Learned APP for the State accepts notice on behalf of respondent No. 1/State.
3. Notice is accepted by the learned counsel for respondent No. 2/BSES Rajdhani Power Ltd.
4. By the impugned judgment dated 6th November, 2017 the learned Additional Sessions Judge, Special Electricity Court, Saket Court has convicted three accused for offence punishable under Section 135 of the

CRL.A. 1098/2017

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Indian Electricity Act and directed them to pay a sum of ₹2,72,374/- in default whereof to undergo simple imprisonment for a period of six months. Further while determining the civil liability of the accused/convicts again a common civil liability of ₹1,81,582/- has been imposed on the three accused.

5. An order on sentence cannot be passed against number of accused cumulatively and is required to be passed separately qua each of the accused.

6. The two impugned orders dated 6th November, 2017 on the order of sentence and fixing the civil liability are set aside. The matter is remanded back to the learned Additional Sessions Judge, Special Electricity Court, Saket Court to impose separate fine on each of the accused and also to ascertain civil liability of each of the accused separately.

7. Appeal and application are disposed of.

8. Since this Court has not expressed any opinion on merits of the judgment of conviction and order on sentence, liberty is granted to the appellant to file another appeal for the said reliefs if so advised.

MUKTA GUPTA, J.

DECEMBER 01, 2017

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