

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 168 of 2010**

Chandrabhan Singh, S/o Molai Singh Kanwar, aged about 37 years,
R/o Gram Baharasi, P.S. Janakpur, District- Korla (C.G.)

---- Appellant**Versus**

State of Chhattisgarh through District Magistrate, District- Korla
(C.G.)

---- Respondent

For Appellant : Mr. Maneesh Sharma & Mr.
Pragalbha Sharma, Advocates.
For State/respondent : Mr. Vinod Kumar Tekam, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma**Judgment On Board****10/10/2018**

1. This appeal is preferred under Section 374(2) of the Code of Criminal Procedure, 1973 against judgment dated 10.02.2010 passed by Special Judge (Electricity Act, 2003), Korla (Baikunthpur) (C.G.) in Special Session Case No. 01/2009, wherein the said court convicted the appellant for commission of offence under Section 135(a) of the Indian Electricity Act, 2003 and sentenced to the period already undergone with a fine of Rs. 13,587/-.
2. As per case of Chhattisgarh State Electricity Board (for short "the Board"), the appellant causes PVC wire connection and without getting electricity meter, consumed the same to his pump house which caused loss to the Board to the tune of Rs. 4,529/- and the same is gain for the appellant.

3. To substantiate the charge, the complainant side examined as many as 6 witnesses. To nullify the charge, the defence side has not examined any witness, but produced a document Ex.-D/1. Telesphore Beck (PW-1) is Junior Engineer of the Board and as per version of this witness, on inspection, he found that the appellant consumed electricity illegally by hooking PVC wire in low pressure line at distance of 300 metre from his house and consumed electricity for his pump house. PVC wire was seized, seizure and other formalities were also performed.
4. From statement of this witness, it is established that the Board sustained loss of Rs. 4,529/- on account of illegal consumption of electricity. Version of this witness is supported by version of Assistant Lineman Purushottam Das Gupta (PW-2), Kamlesh Napit (PW-4), Ganesh Sen (PW-5) & Police Inspector Buddheshwar Sai Paikra (PW-6). All the witnesses have stated in one voice that electric wire was extended upto pump of the appellant which was removed by lineman during inspection. All the witnesses have subjected to cross-examination, but they are unshaken.
5. Learned counsel for the appellant submits that one lineman received Rs. 2,300/- from him for electric connection and complaint was made as per Ex.-D/1 before the inspection, therefore, it is not a case of illegal consumption of electricity.
6. The appellant has been provided opportunity to submit his case when charge is framed and when his statement was

recorded under Section 313 of Cr.P.C., but this fact is not mentioned by the appellant that any lineman has obtained the amount from him for proper connection. The Board has not provided any connection to the appellant and there is no record that the appellant deposited any amount for legal connection of electric line. In absence of evidence in this regard, the evidence adduced by the complainant side was sustainable that is why the trial court convicted the appellant for the said offence and this Court has no reason to record contrary finding.

7. The trial court has awarded minimum fine amount which is three times the financial gain and has not awarded any corporal punishment. The corporal punishment is confined to the period already undergone. The sentence part is also not liable to be interfered with.
8. Accordingly, the appeal is liable to be and is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge