

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 20 OF 2018
The State of Maharashtra vs. Kisan A.Gharat

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. V.S.Mhaispurkar, APP. for the Applicant-State.
Mr. Fieoz Shaikh for the Respondent.

CORAM :A.S.GADKARI, J.
DATE : 15th March, 2018

P.C.

1. This is an application under Section 378(3) of the Cr.PC. for leave to file appeal against the Judgment and Order dated 30.6.2015 passed by the learned Special Judge (Electricity Act) and the Additional Sessions Judge, Raigad-Alibag thereby acquitting the respondent for the offence punishable under Sections-135 and 138 of the Indian Electricity Act,2003.

2. Heard the learned APP. and the learned counsel for the respondent. Perused the record.

3. It was the case of the prosecution that the applicant by tampering with the electricity meter had committed the theft of it thereby causing loss to the electricity providing company to the tune of Rs.23,00,000/-. The evidence on record indicates

that, during the pendency of the said trial the respondent had paid said charges along with compounding charges as contemplated under Section 138 of the Electricity Act. The record further indicates that the prosecution has failed to produce on record necessary and relevant evidence thereby showing compliance with respect of Section 135(2) of the Indian Electricity Act. That, the panch witnesses produced by the prosecution admitted that they were interested witnesses. The offence alleged under Section 138 of the Electricity Act is a compoundable offence and as noted earlier the respondent has proved that the said offence was compounded by him. After perusing the record, this Court is of the view that there is no error either in law or facts committed by the Trial Court while passing the impugned Judgment and Order.

4. Application is accordingly rejected.

(A.S.GADKARI, J.)