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

+ CRL.A. 65/2018 & CrI.M.A.No.3846/2018

DEEN MOHAMMED & ANR Appellants

Represented by: Mr.Triloki Pandit, Advocate

versus

STATE & ANR Respondents

Represented by: Ms.Meenakshi Chauhan, APP for the
State with SI Amrender, PS Fatehpur
Beri
Mr.Sunil Fernandes, Standing
Counsel for BSES Rajdhani Power
Ltd. along with Mr.Raghav Chadha,
Advocate for R-2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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25.04.2018

1. By CrI.M.A.No.3846/2018, the appellant/applicant seeks modification of the order dated 19th January, 2018 and disposal of this appeal as the parties have settled the matter in the Lok Adalat.
2. An affidavit has been filed by the respondent No.2-BSES Rajdhani Power Ltd. As per the affidavit, in pending appeals or revisions, respondent No.2 does not enter into a settlement unless there is a reference to the Lok Adalat or to the Mediation by the Court where the appeal or revision is pending. It is stated that in the present case inadvertently the factum that the appeal was pending could not be noticed due to the number of cases and this matter was also settled by the respondent No.2 with the appellant and as per
CRL.A. 65/2018

the settlement, the appellant is required to pay a sum of ₹1,30,000/-. The respondent No.2 accepts his error, however, states that there was no mala fide in this action and the same was due to number of cases, it was not possible to crosscheck each and every case.

3. Be that as it may. Respondent No.2 has settled the matter with the appellant and appellant has agreed to pay a sum of ₹1,30,000/- against the civil liability amount of ₹2,56,710/- imposed by the learned Trial Court. Offence punishable under Section 135 of the Electricity Act does not prescribe any minimum sentence and punishment prescribed is for a term which may extend to three years or with fine or with both. Thus in a given case, the Trial Court can even direct payment of fine as the sentence besides imposing civil liability amount. Having gone through the impugned judgment and documents, the judgment dated 20th November, 2017 convicting the appellant is upheld. However, as the respondent No.2 has settled the matter with the appellant before the Lok Addalat, this Court deems it fit to modify the sentence to fine of ₹50,000/- besides the civil liability amount agreed between the parties. The fine of ₹50,000/- would be thus deposited by the appellant in Treasury within four weeks.

4. Appeal is thus disposed of upholding the judgment dated 20th November, 2017 convicting the appellant for offence punishable under Section 135 of the Electricity Act and modifying the order of sentence to the extent that the appellant would deposit a fine of ₹50,000/- within four and the civil liability amount is modified to ₹1,30,000/- to be deposited by the appellant with the respondent No.2 within four weeks. Receipt of the deposit of the civil liability and the fine will be placed on record within four

weeks.

MUKTA GUPTA, J.

APRIL 25, 2018

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