

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No.1156 of 2019**

State of Chhattisgarh through Station House Officer, Police Station
Nandini, District Durg, Chhattisgarh

---- **Petitioner**

versus

1. Gajendra Prasad Mourya @ Shera, S/o Bhanupratap Mourya, aged about 43 years, Occupation Driver, R/o Shantipara, Camp No.1, Bhilai, District Durg, Chhattisgarh
2. Sanjay Kumar Sahu @ Golu, S/o Pardeshiram, aged about 23 years, Occupation Driver, R/o Jagannathpur, Shankra, District Balod, Chhattisgarh, Presently R/o Mathpara, Jamul, District Durg, Chhattisgarh
3. Omprakash Sao, S/o Mahesh Sao, aged about 28 years, Occupation Driver, R/o Urla, Subhash Chowk, Bendri Road, Raipur, Chhattisgarh
4. Sohan Singh, S/o Late Siyaram Singh, aged about 52 years, Occupation Business, R/o Bada Ashok Nagar, Gudiyari, Raipur, Chhattisgarh

--- **Respondents**

For Petitioner	:	Shri Anand Verma, Dy. Government Advocate
For Respondents	:	None

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board**

14.8.2019

1. Heard on admission. Perused the impugned judgment and record of the Court below.
2. Vide impugned judgment dated 16.1.2019 passed by the Special Judge (Electricity Act), Durg in Special Criminal (Electricity) Case No.228 of 2015, the Respondents have been acquitted of the charges framed under Sections 136 and 137 of the Electricity Act and Section 3(2)-क of the Lok Sampatti Ke Nuksani Ka Nivaran Adhiniyam.
3. The allegation against the Respondents is that on 26.4.2015, in Village Malpuri Kala Khar, they cut and committed theft of tower

angles of Power Grid Corporation of India worth Rs.70,000/-. First Information Report (Ex.P1) was lodged against unknown persons. From perusal of the record, it reveals that vide seizure memo (Ex.P7, P8 and P9), some articles were seized from Respondents Gajendra Prasad Mourya, Sanjay Kumar Sahu and Sohan Singh and vide seizure memo (Ex.P6), some articles were seized from the spot. In this case, there is no eyewitness. Witnesses of recording of memorandum statements and seizures, namely, Sudhir Taluri (PW1), Senior Engineer of Power Grid Corporation of India and Dharmendra Kumar Sahu (PW2), Assistant Engineer of Chhattisgarh State Electricity Division have also not supported the case of the prosecution and have turned hostile. Investigating Officer Vinay Singh (PW7) has also admitted the fact that no proceeding for identification of the pieces found from the spot and the articles seized from the Respondents was conducted. Sudhir Taluri (PW1) has also admitted that he is not sure that the seized property was of their company. Only on conjectures, he gave a certificate that the seized property could be of their company. Therefore, looking to the above evidence adduced by the prosecution, in my considered opinion, the Trial Court has rightly acquitted the Respondents.

4. I find no substance in the instant application for grant of leave to appeal. The application (Cr.M.P.) is, therefore, dismissed at the admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge