

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1479 of 2018**

- Rajendra Verma S/o Late Baliram Verma Aged About 52 Years
R/o Village Chapora, Police Station Vidhan Sabha, Raipur,
District Raipur, Chhattisgarh.

---- Appellant**Versus**

- State Of Chhattisgarh Through Police Station Vidhan Sabha,
Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****23/09/2019**

1. Vide impugned judgment dated 04/07/2018 passed by Special Judge (Electricity Act)/ 1st Additional Sessions Judge, Raipur, Chhattisgarh, in Special Criminal Case No. 1332/2015, Appellant has been convicted under Sections 285, 338 of the Indian Penal Code and Section 135 of Electricity Act and

sentenced to undergo rigorous imprisonment for three months and to pay fine of Rs. 500/-; rigorous imprisonment for six months and to pay fine of Rs. 1,000/- and rigorous imprisonment for six months and to pay fine of Rs. 1,63,881/- respectively with default stipulation.

2. As per the prosecution story, on the date of incident i.e. 11/10/2015, accused/appellant had connected illegal electric connection from an electric pole for irrigation purposes in his field, on which electric current was flowing. Allegedly, at that time Om Prakash and Jai Prakash were manuring in their field. While manuring, they both came in contact with the said electric wire and due to that Om Prakash sustained grievous injuries. On the basis of the said, matter was reported and offence was registered. Thereafter, statement of witnesses under Section 161 of Cr.P.C. were recorded. After completion of investigation, a charge-sheet has been filed before the trial Court. Trial Court framed the charges for the offence punishable under Sections 285, 338 of the Indian Penal Code and Section 135 of Electricity Act. To prove the guilt of the accused/appellant, the prosecution has examined as many as 8 witnesses. No defence witness has been examined. Statements of the appellant under Section 313 of the Cr.P.C. was recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.

3. After completion of the trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur, (C.G.) dated 11/09/2019 would mention that the Appellant has undergone the entire jail sentence imposed upon him by the trial Court and has already released on 17/05/2019.
5. Since, no one appears on behalf of appellant today, therefore to find the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. Om Prakash Banjare (PW-2) and Jai Prakash Banjare (PW-3) have deposed that at the time of incident, both were manuring their field by using fertilizers. While manuring, toe of injured Om Prakash came in contact with the open electric wire due to which he sustained grievous injuries. They further deposed that accused/appellant had taken illegal electric connection from an electric pole for running a bore-well in his field. The said cable wire was open and electric was flowing from it. The statements

of above witnesses were duly corroborated by Rajendra Banjare (PW-1), D. Yaranna (PW-5), Ashwini Kumar Taram (PW-6). Moreover, from the statements of Smt. Anushuiya Dutt (PW-7) and from M.L.C. report of injured Om Prakash i.e. Ex. P/8, it is well established that injured Om Prakash has sustained grievous injuries on his toe.

8. On minute examination of the above facts, it is clear that there is sufficient evidence available on record against the appellant. Thus, the learned trial Court has rightly convicted the Appellant.
9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-

(Arvind Singh Chandel)
Judge