

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1274 OF 2019
IN
CRIMINAL APPEAL NO.1034 OF 2019**

Mainuddin Abdul Rehman Qureshi Applicant
(Original accused)

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Mahesh Vaswani a/w Ms. Dharini Nagda and Ms. Shreya Tiwari for
Applicant.

Mr. A.R. Kapadnis, APP for the State

Coram : NITIN W. SAMBRE, J.

Date : 5th December 2019

P.C.:

1. Perused the judgment impugned.
2. The applicant-accused is convicted for the offence punishable under Section 135 of Indian Electricity Act and directed to pay fine of Rs.42,00,000/- alongwith rigorous imprisonment of two years and in default of payment of fine, simple imprisonment of nine months.

3. The learned District Judge-6 and Additional Sessions Judge, Thane has directed that out of the amount of fine of Rs.42,00,000/-, Rs.14,00,000/- be transferred to the Maharashtra State Electricity Distribution Company Limited.

4. The submission of learned counsel for the applicant is apart from the fact that the applicant was on bail during trial, he has already deposited an amount of Rs.4,00,000/-.

5. The aforesaid statement of deposit of Rs.4.00,000/- since made on instructions, the same is accepted as an undertaking.

6. So as to show bonafides, the applicant has deposited an amount of Rs.5,00,000/- in the Sessions Court, Thane on 30th November, 2019. The said submission since made on instructions, the same is accepted.

7. The fact remains that the accused has not indulged in similar type of offence.

8. In view of above, the sentence stands suspended.
9. The applicant be admitted to bail upon furnishing one or more sureties of Rs.25,000/- and also P.R. bond in the like amount.
10. The balance amount of Rs.14,00,000/- after adjusting the amount of Rs.9,00,000/- as is reflected hereinabove be deposited in the Sessions Court in five instalments of Rs.1,00,000/- each, after every two months from today, so that an amount of Rs.14,00,000/- can be made over to Maharashtra State Electricity Distribution Company Limited, as has been ordered by the Sessions Court.
11. If the applicant fails to deposit aforesaid amount of Rs.5,00,000/-, the Sessions Court shall make a reference of the same to this Court, which may entail this Court to cancel the bail of the applicant.
12. The application stands allowed in above terms.

(NITIN W. SAMBRE, J.)