



BAIL SLIP

The Petitioner/Appellant Irudhayasamy, Male, S/o.Anthonysamy, was released on bail as per the order of this Court made in MP(MD)No.1 of 2015 in Crl A(MD)No.76 of 2015 dated 23/03/2015.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
CORAM

Dated: 09.08.2019

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI
Crl.A.(MD)No.76 of 2015

Irudhayasamy : Appellant/Sole Accused
Vs.

The State rep. by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.379 of 2012) : Respondent/Complainant

Prayer: Criminal Appeal filed under Section 374(2) of the Criminal Procedure Code against the judgment dated 19.02.2015 made in SC No.93 of 2014 by the Principal District and Sessions Judge, (Special Court for Electricity Theft Cases), Thanjavur, thereby convicting the appellant for the offence under Section 135(1)(a) of the Electricity Act, 2003 and sentenced him to undergo 1 year simple imprisonment.

For Appellant : Mr.T.Lenin Kumar
For Respondent : Mr.R.Anandha Raj
Additional Public Prosecutor

J U D G M E N T

This Criminal Appeal is directed against the judgment, dated 19.02.2015 passed in SC No.93 of 2014 by the Principal District and Sessions Judge, (Special Court for Electricity Theft Cases), Thanjavur.

2.According to the prosecution, on 18.09.2012 while PW1 inspected the premises of the appellant/accused, he found that the meter installed in the premises was tampered, thereby the accused thieved energy. The Inspector of Police, attached to Vallam Police Station, Thanjavur District has filed a charge against the accused for the alleged offence under Section 135(1)(a) of Indian Electricity Act, 2003.

3.The trial court, on proper appreciation of the entire materials available on record, convicted the appellant/accused for



the alleged offence under Section 135(1)(a) of the Electricity Act, 2003 and sentenced him to undergo 1 year simple imprisonment. Aggrieved by the judgment of the trial court, the appellant/accused is before this court.

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4. Heard both sides and perused the materials available on record.

5. It is seen from the records that the appellant/accused was convicted by the trial court and sentenced him to undergo 1 year simple imprisonment.

6. It is also seen from the records that PW1 served an assessment order, by which the appellant/accused was directed to pay a sum of Rs.2,38,420/- towards loss caused to the Electricity Department. Challenging the said assessment order, the appellant/accused preferred a writ petition in W.P(MD)No.15396 of 2012. In the writ petition, this court on 18.03.2013 passed an order holding that the appellant herein has already deposited Rs.1,00,000/- and he is liable to pay a further sum of Rs.1,75,996/- and the said amount should be paid in 10 monthly equal instalments. Pursuant to the order passed by this court in the said writ petition, the appellant/accused paid the said amount. The said fact was not disputed by the learned Government Advocate (Criminal side) appearing for the respondent/State.

7. Further, the appellant/accused filed an affidavit stating that he has paid the entire amount as per the assessment order passed against him and PW1 also accepted the same, in order to pacify the issue.

8. Keeping in view of the above fact, this court is of the considered view that as PW1 has compromised with the appellant/accused, he is not willing to proceed with the case and hence, the offence can be compoundable.

9. In the result, this Criminal Appeal is **allowed** and the judgment passed by the Principal District and Sessions Judge (Special Court for Electricity Theft cases), Thanjavur, in S.C.No.93 of 2014, dated 19.02.2015 is hereby set aside.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)



1.The Principal District and Sessions Judge,
(Special Court for Electricity Theft cases),
Thanjavur.

2. The Judicial Magistrate No.2,
Thanjavur

3. -Do- Through the Chief Judicial Magistrate,
Thanjavur District

4. The Inspector of Police,
Vallam Police Station,
Thanjavur District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-81296[F] dated 13/08/2019)

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MK (11.12.2019) 3P 7C