

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRA-S-189-SB of 2018 (O&M)
Date of decision: 14.5.2019**

Hira Lal

..Appellant

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr.Shokeen Singh Verma, Advocate for the appellant.

Mr.B.R.Mahajan, Advocate General, Haryana with
Ms.Aditi Girdhar, AAG Haryana.

Gurvinder Singh Gill, J.(Oral)

Appellant Hira Lal, aggrieved by judgment dated 4.1.2018 passed by the Special Court, Yamuna Nagar at Jagadhari whereby he has been convicted for having committed an offence punishable under Section 135 of Electricity Act, 2003 and has been sentenced to undergo RI for one year, has challenged the same by way of filing this appeal.

Notice of motion had been issued. Learned Advocate General, Haryana assisted by Ms.Aditi Girdhar, AAG Haryana is appearing on behalf of the respondents.

During the pendency of this appeal, an application was moved on behalf of the appellant under Section 320 Cr.P.C. seeking permission to compound the offence.

It is averred in the application that the applicant has already paid an amount equivalent to 50% of the amount of penalty which was assessed at Rs.1,19,948/-. A receipt thereof has been attached as Annexure A-I.

During the pendency of this appeal, an application was also moved for impleading SDO/OP Sub Divn.1, UHBVN, Yamuna Nagar, complainant as respondent No.2 which was allowed vide order dated 6.2.2019.

Reply has been filed on behalf of respondent No.2 wherein it has been stated that the applicant had filed an affidavit dated 3.12.2018 in the office of respondent No.2 seeking permission to compound the offence under the “out of court settlement scheme” as per sales circular No.U-15/2018 dated 20.9.2018 and that he has already deposited 50% of the penalty amount apart from 100% compounding charges. It has further been specifically stated therein that respondent No.2 has no objection if the Court allows the petitioner's application for compounding the offence.

Learned Advocate General, Haryana has informed that infact the case of the petitioner is now covered under the revised “out of court settlement policy” and that since applicant in terms of the said Policy, has already paid 50% of the penalty amount apart from 100% the compounding charges to the tune of Rs.12,000/-, department has no Objection for compounding of the offence and that the application may

be accepted.

In view of the aforesaid position wherein it I find that case of the applicant is covered in terms of the revised policy and as per Section 152, the offence in question is compoundable and also that the department has no objection to the same, the application under Section 320 Cr.P.C. is accepted and the petitioner is permitted to compound the offence. Consequently, the conviction of applicant is set aside and the appeal stands accepted accordingly. The appellant is acquitted.

14.5.2019
Meenu

(Gurvinder Singh Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No