

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-A-2367-MA-2017 (O&M)  
Date of Order:03.04.2019

Rachit Gaur

..Appellant

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Luthra, Advocate  
for the appellant.

ANIL KSHETARPAL, J(Oral)

Leave to appeal has been sought under Section 378(3) of the  
Code of Criminal Procedure.

Learned trial Judge has recorded the following findings:-

13. *In this case the prosecution has examined PW4 JE Rajbir Singh, who has stated that the electricity meter no. EEII-0356 was installed in the name of accused at house no.249 by J.E. Partap Singh, who had retired. He also stated that accused shifted the said meter from house no.249 to house no.328 illegally. JE Partap Singh (since retired) has been examined by the prosecution as PW13. He has stated that he had installed the electricity meter in the house of Dilbag in the year 1987, but he does not remember the house number in which the said meter was installed. Therefore, it is not proved beyond reasonable*

*doubt that the electricity meter no. EEII-0356 was initially installed at house no.249.*

14. *According to the prosecution, the accused had shifted electricity meter no. EEII-0356 from house no.249 to 328. PW17 Rachit Gaur has stated that according to meter change order no.3182/39 dated 10.01.2002, the old meter of EEII-0356 was changed at house no.589/14. It apparently shows that in the year 2002, the electricity meter no. EEII-0356 was shifted at some other house by the department itself. It is pertinent to mention here that the meter reader of electricity department goes to the premises every month to take reading of electricity consumed by the consumer. Had the accused shifted the meter to some other place, it would have come to the notice of meter reader immediately. Therefore, it is concluded that the prosecution has been able to prove the guilt of the accused beyond reasonable doubt. Hence, benefit of doubt is given to the accused and he is acquitted. File be consigned to the record room after due compliance.”*

Learned counsel for the appellant has submitted that evidence of PW17-Rachit Gaur has been over looked. In paragraph 9, the learned trial Court has discussed the depositions of each and every witnesses including PW17.

Still further, learned counsel for the appellant, although, made sincere attempt, however, could not point out any error in appreciation of

evidence by the learned trial court.

In view thereof, this court does not find any ground to interfere.

The appeal is dismissed.

April 03, 2019  
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(ANIL KSHETARPAL)  
JUDGE

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