



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Seventh day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4342 of 2020

IN

CRL A(MD) No.278 of 2020

PERUMAL

... PETITIONER/APPELLANT/ACCUSED-3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
KUGILIAMPARAI POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.235 OF 2003

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence of fine imposed in Spl.C.C.NO.4 of 2009 dated 24/07/2020 by the learned Principal Sessions Judge, Dindigul and enlarge the petitioner on bail pending disposal of the main Crl.A. and thus render justice.

Order :This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.RAVI, Advocate for the petitioner and of MR.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Principal Sessions Judge, Dindigul, in Spl.C.C.No.4 of 2009 dated 24.07.2020, till the disposal of the appeal.

2.The case against the petitioner is that the petitioner and others, A1 and A4 obtained service connection No.86 in the name of M/s.Kudagu Industries and submitted test form representing them as the Managing Directors. A2 and A3 are carrying on Card company using that service connection. The Assistant Executive Engineer, Tamil Nadu Electricity Board, Kugilamparai inspected the card company on 24.12.2003 at about 01.00 a.m., along with her team. It is seen that three carriers in board were removed and there is a hole in the PVC



pipe to transmit electricity from electric pole to meter. The insulation was removed from service wire base and a red wire was connected at one end and other end which they consumed electricity for electric motor and electric appliances. Due to this electric connection, the electricity consumed by them was not recorded in the electric meter and and they have committed theft of electricity. The electrical energy contracted by them was 22.36 kilowatt and they would have consumed 91401 units for a year. But the meter reading shows only 5693 units. There is a theft of energy measuring 85715 units worth about Rs.8,25,870/- (Rupees Eight Lakhs Twenty Five Thousand Eight Hundred and Seventy only). The case against the petitioners in Crime No.235 of 2003 was registered under Sections 39 (1), 44(1)(c) of Electricity Act, 1910 and Section 379 of IPC. The learned Principal Sessions Judge, Dindigul found A3 alone guilty under Section 135 of Electricity Act. The trial Court convicted A3 under Section 135 of Electricity Act and imposed a fine of Rs.12,08,580/- (Rupees Twelve Lakhs Eight Thousand Five Hundred and Eighty only), in default to undergo three months simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal and along with the appeal, he filed this petition for suspension of sentence.

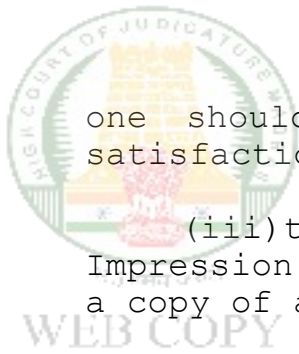
3. On the side of the petitioner, it is stated that the petitioner has not committed any offence and there are valuable points to be argued in the main appeal and prayed the sentence to be suspended till the disposal of the appeal.

4. On the side of the prosecution, it is stated that the petitioners and others were enlarged on anticipatory bail in Crl.O.P.No.1062 of 2004. The prosecution has examined 12 witnesses and marked 13 documents and marked 7 material objects. The trial Court convicted the petitioner on the basis of evidence and documents. The working sheet of energy theft was marked as Ex.P2 and chemical report was marked as Ex.P13 and Form D & Form D1 along with reply was marked as Ex.P8. The case was proved by the prosecution beyond all reasonable doubts and prayed the petition to be dismissed.

5. It is seen that the offence against the petitioner is energy theft. In view of the nature of the offence and in view of the representation made by the learned counsel for the petitioner, this Court is inclined to grant suspension of sentence till the disposal of the appeal on the following conditions:

(i) the petitioner is directed to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Spl.C.C.No.4 of 2019 on the file of the learned Principal Sessions Judge, Dindigul ;

(ii) the petitioner is directed to execute a bond for a sum of Rs.10,00,000/- (Rupees ten thousand only) with two sureties, of whom,



one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vendasandur ;

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity.

(iv) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal.

sd/-
07/09/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL SESSIONS JUDGE, DINDIGUL
2. THE JUDICIAL MAGISTRATE, VEDASANDUR,
DINDIGUL DISTRICT
3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
4. THE INSPECTOR OF POLICE
KUGILIAMPARAI POLICE STATION,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.4342 of 2020
IN
CRL A(MD) No.278 of 2020
Date : 07/09/2020

MRN
PK/JC/SAR-4/08.09.2020 : 3P/6C