

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 127 of 2009**

- Kapoor Chand Jindal, S/o Shri Phool Chand Jindal, aged about 49 years, R/o Dhabra Road, Kharsiya, Distt.-Raigarh C.G

---- Appellant

Versus

- Junior Engineer, Chhattisgarh State Electricity Board, Kharsiya, District – Raigarh, (C.G.).

---- Respondent

For Appellant	:	Mr. Ankit Singhal, Advocate.
For Respondent	:	Mr. Manish Nigam, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****10/09/2021**

1. This appeal has been preferred against the judgment dated 31.01.2009 passed in Special Case No. 149/2007 by the Special Judge, (Under Electricity Act, 2003), Raigarh, District Raigarh, (C.G.), whereby the appellant has been convicted under Section 135 and 154(5) of the Electricity Act, 2003 and sentenced to undergo R.I. for one year and fine amount of Rs.60,000/- with default stipulation; and Rs.1,25,000/- as Civil Liability respectively.
2. Facts of the case are that on 05.06.2007 at about 13:45 PM, the business premise of the appellant in the name of Fashion Point, Kharsiya was inspected by the Official of the State Electricity Board

wherein it was found that the appellant has taken an illegal three phase connection from the LT line of the Electricity Board and was using the Electricity about 1164 watt in the shop and about 1724 watt at the first floor house and has thus, caused loss of Rs.50,381/- to the State Electricity Board. On the basis of the said allegation, the respondent filed a complaint under Section 135 of the Electricity Act, 2003 before the Special Judge.

3. After trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the appellant is a reputed person of Kharsiya, aged about 50 years (at the time of incident), he has no criminal antecedent and he is facing the *lis* for the last 14 years, therefore, it is prayed that the fine amount be enhanced and jail sentence awarded to the appellant be remitted.
5. Per contra, learned Counsel appearing for the respondent supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances of the case, particularly considering that appellant is an old person aged about 60-

65 years, he has no criminal antecedent and he is facing the *lis* since 2007, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the appellant, the fine amount is enhanced to Rs.70,000/- and the remaining jail sentence awarded to him is remitted. Ordered accordingly. The fine amount shall be paid within two months from receipt of this order.

8. Consequently, the appeal is partly allowed to the extent indicated above. The conviction of the appellant under the aforementioned Section and Civil Liability are affirmed.
9. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge