

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 112 OF 2021

IN

CRIMINAL APPEAL NO.415 OF 2009

Deepam s/o Shantilal Chawada

Vs.

Maharashtra State Electricity Distribution Co. Ltd., Through Deputy Executive Engineer, Flying
Squad, M.S.E.B. and M.S.E.D.C.L., Dist. Bhandara

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.M. Daga, Advocate for applicant/appellant
Shri S.V. Purohit, Advocate for non-applicant/respondent

CORAM :- N.B.SURYAWANSHI, J.

DATED :- 24/02/2021

1. This appeal challenges conviction of the appellant under Section 135(1)(b)(c) and Section 138 (d) of the Electricity Act, 2003 and the sentence of imprisonment of three years and a total fine of Rs. 30,000/- imposed on both the counts with default clause, passed by the learned Special Judge and Ad-hoc Additional Sessions Judge, Gondia, in Special Criminal Complaint Case No. 35 of 2005.

2. During the pendency of appeal, this application is filed under Section 152 of the Electricity Act, 2003, seeking compounding of the offence. It is averred that theft of electrical energy worth Rs. 19,079/- was alleged. The appellant is ready to pay Rs. 20,000/- towards compounding charges. The appellant has already deposited fine amount of Rs. 30,000/- in the Trial Court after his conviction.

3. The learned Advocate for the respondent on instructions states that the respondent is ready to

compound the offence on accepting the compounding charges in terms of Section 152 of the Electricity Act, 2003.

4. The appellant has brought Demand Draft of Rs.20,000/- towards compounding charges. On behalf of the respondent the learned Advocate for the respondent accepted the said Demand Draft towards compounding charges. The offence is therefore compounded by the respondent by accepting the said Demand Draft in accordance with Section 152 of the Electricity Act.

5. In view of the compounding of the offence, the application is allowed in terms of prayer clause – A.

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6. In view of compounding of the offence on the part of the respondent, the impugned judgment and order of conviction passed by the learned Special Judge and Ad-hoc Additional Sessions Judge, Gondia in Special Criminal Complaint Case No. 35 of 2005 is hereby quashed and set aside and the appellant is acquitted of all the charges.

7. The respondent is permitted to withdraw an amount of Rs. 19,079/- from the fine amount of Rs.30,000/- deposited by the appellant in the Trial Court along with accrued interest, if any.

8. The appeal stands disposed of accordingly.

JUDGE