

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO.776/2020

Mohd. Rafique Abdul Gaffar and anr. Vs. State of Maharashtra and anr.

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

Court's or Judge's orders

Shri A. S. Thotange, Advocate for Applicants.
Shri T. A. Mirza, A.P.P. for Non-applicant No.1/State.

CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATE : 18/01/2021.

1. Heard.
2. By this application under Section 482 of the Code of Criminal Procedure, the applicants-accused have prayed that the First Information Report registered against them for the offence punishable under Section 135 of the Electricity Act, 2003 be quashed.
3. The accusations are that there is theft of power for which the Mahavitaran has raised demand of Rs.15,40,000/-. According to the applicants, they are the owners of the property where the electric meter is fitted and it was leased out to Rajkumar Gir, who played the mischief which resulted in raising of bill by the Mahavitaran.
4. Learned Advocate for the applicants has pointed out the order passed by the learned Single Judge of this

Court in Criminal Application (ABA-LDVC) No.45/2020 (Rajkumar Gir Vs. State of Maharashtra) by which pre-arrest bail came to be granted to Rajkumar Gir on condition of deposit of Rs.5,00,000/- (Rs. Five Lakh only) with Mahavitaran, Akola. It is submitted that Rajkumar Gir (tenant) has deposited amount of Rs.5,00,000/- as per the order.

5. We have gone through the report and the other material placed on record. We find that the offence punishable under Section 135 of the Electricity Act is compoundable on compliance as stated in the provisions. The applicants who are admittedly the owners of the property where the electric meter is fitted have shown inability to take steps for compounding of the offences.

6. Hence, in our view, no case is made out for quashing the First Information Report.

7. The Criminal Application is dismissed.

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