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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 50/2018**
BSES RAJDHANI POWER LTD

.....Petitioner

Through: Mr. Rishab Raj Jain, SC

versus

A.K.MEHTA CO. & ANR

.....Respondent

Through: Mr. NK Nagar, Mr. Hamid Ali, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

11.03.2025

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1. This is an application filed under section 378(4) of the Code of Criminal Procedure, 1973 seeking grant of leave to appeal against the judgment dated 29.07.2017, passed by the learned Additional Sessions Judge, Special Court under the Electricity Act, 2003 in Complaint Case No. 117/2010, whereby the respondents were acquitted for offences punishable under Section 135/138 read with Section 150 of the Electricity Act.
2. Mr. Jain, learned Standing Counsel for the petitioner states that the learned Sessions Judge has failed to appreciate that as per the speaking order, the testing report showed that the meter was tampered with external high voltage.
3. Per contra, Mr. Ali, learned counsel for the respondent, states that the testing report shows that the meter itself was faulty, and therefore, the fault in the meter in question cannot be attributed to any act of the respondent.



4. In the present case, to my mind, the bill after replacement of meter shows consumption of electricity by the respondent.
5. For the said reasons, the matter needs consideration.
6. Hence, the leave to appeal is granted.

CRL.A._____ / 2025 (TO BE NUMBERED)

7. Since the leave to appeal has been granted, the registry is directed to number the appeal.
8. For the reasons stated in the appeal, issue notice. Mr. Ali, learned counsel accepts notice on behalf of the respondent.
9. **“Admit”**
10. List in due course.

JASMEET SINGH, J

MARCH 11, 2025 / (MS)

[Click here to check corrigendum, if any](#)