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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 279/2017, CRL.M.A. 4270/2017

VIPIN SHARMA

.....Appellant

Through: *Appearance not given.*

versus

BSES RAJDHANI POWER LTD. & ANR.

.....Respondents

Through: Mr. Sharique Hussain, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.04.2025

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1. The present appeal, filed under Section 374 of the Code of Criminal Procedure, 1973,¹ challenges the judgment of conviction and the order of sentence passed by the ASJ, Special Electricity Court, Dwarka, New Delhi, on 30th November, 2016 and 3rd February 2017, respectively. By the aforesaid judgement of conviction, the Appellant was convicted under Section 135 of the Electricity Act, 2003. By the order on sentence the Appellant was sentenced to undergo imprisonment of rigorous imprisonment for a period of one year and was directed to pay a fine of INR 14,75,064/-, in default of which, the Appellant would be required to undergo simple imprisonment for a period of 3 months. Further, through a separate order dated 3rd February, 2017, the ASJ, Special Electricity Court, District Court, Dwarka Court, New Delhi, imposed civil liability of INR 9,83,376/- towards

¹ “CrPC”

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his civil liability.

2. At the stage of issuing notice, this Court, by order dated 14th March 2017, suspended the sentence, till the next date of hearing, subject to the Appellant depositing a part of the civil liability amounting to ₹4 lakhs, with Respondent No. 2, within two weeks from the passing of the said order. On 16th May, 2017, upon confirmation of the INR 4 lakh deposit, the Court made the suspension of the sentence absolute until the final disposal of the appeal. Thereafter, as requested by parties, they were referred to Delhi High Court Mediation and Conciliation Centre. In the said proceedings, a Settlement Agreement dated 22nd January, 2025² has been executed between Appellant and Respondent, whereby the disputes and differences between the parties in respect of civil liability have been settled.

3. As per Settlement Agreement, Respondent No.2 agreed to accept INR 8,35,870/- in lieu of the civil liability of INR 9,83,376/-, towards full and final settlement of their grievances/ losses in respect of the instant case.

4. Accordingly, the Appellant has paid balance amount of INR 4,35,870/- to Respondent No.2, as per the Settlement Agreement. Thus, the civil liability stands paid, and no due certificate has also been issued to the Appellant. As of today, no outstanding amount remains pending and in this view of the matter, Respondent No.2 has agreed not to press any criminal charges.

5. Counsel for the Appellant submits that, in accordance with the Settlement Agreement, since the civil liability has been discharged and a No Dues certificate has been issued, the conviction under Section 135 of the Electricity Act, along with the sentence imposed, should be set aside on the



basis of the offence being compounded. To support this request, reliance is placed on orders passed by the coordinate Benches of this Court in *Suresh Kumar v. BSES Rajdhani Power Ltd. & Anr.*;³ *Hari Prakash & Anr. v. BSES Rajdhani Power Ltd. & Anr.*,⁴ *Shamsuddin v. BSES Rajdhani Power Ltd.*,⁵ as well as decisions of this court in *Mr. Manoj Kumar v. BSES Rajdhani Power Ltd.*⁶ and *Rajni v. BSES Rajdhani Power Ltd.*⁷

6. Keeping in view of the facts and circumstances and considering the decisions of Coordinate Benches of this Court, the judgment of conviction dated 30th November, 2016 and the order of sentence dated 3rd February, 2017 are set aside. The offence stands compounded, and the Appellant stands acquitted.

7. The appeal is disposed of in the above terms.

SANJEEV NARULA, J

APRIL 28, 2025

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² “Settlement Agreement”

³ 2013 SCC OnLine Del 3066

⁴ 2014 SCC OnLine Del 1731

⁵ 2014 SCC OnLine Del 7538

⁶ Decision dated 15th January, 2025 passed in CrI. L.A 950/2023.

⁷ Decision dated 14th March, 2025 passed in CrI. A 646/2022.