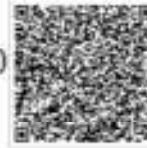


2026 PHHC 063000



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRR 373 of 2008

Date of Decision: 20.04.2026

Abid Hauji

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. N.K. Chhokar, Advocate
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 18.02.2008 passed by the Court of Additional Sessions Judge, Panipat and the judgement of conviction dated 21.07.2006 and order of sentence dated 24.07.2006 passed by the Court of Judicial Magistrate 1st Class, Panipat, whereby, the petitioner was held guilty for the commission of offence punishable under Sections 379 IPC read with Section 39 of Indian Electricity Act and was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs. 500/- alongwith default stipulation.

2. Brief facts of the case of prosecution are that on 30.8.2000, S.D.O. Uttar Haryana Bijli Vitran Nigam, Chhajpur made a complaint to the effect that on 27.8.2000, the premises of petitioner were checked by Shri V.P. Vohra, Junior Engineer and Shri Krishan Lal, A.L.M. During checking, it was discovered that there was direct supply of

electricity to said premises without their being any regular electricity connection. A loss of Rs.13,877/- was stated to have been caused to UHBVN, Chhajpur by said theft of electricity. Suitable action was sought against the culprit. Thereupon, FIR No.143 dated 17.10.2000 Police Station, Sadar, Panipat was registered by police in this behalf. Site plan was prepared. Statements of witnesses were recorded. Petitioner was arrested. After completing all formalities, police filed the requisite *challan* against the petitioner under Section 379 of Indian Penal Code.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Section 379 IPC read with Section 39 of Indian Electricity Act, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Krishan Kumar, H.C. as PW1, Krishan Lal, Lineman as PW2, Ved Pal Vohra, S.D.O. as PW3, Sultan Singh, A.S.I. as PW4, and Prem Chand, S.D.O. as PW5 and Sandeep Singh, S.I. as witness and thereafter the evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency

may be shown while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgement of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution examined PW1 H.C. Krishan Lal, who had recovered the wire used by the petitioner in the commission of the offence and was taken into possession by the police vide recovery memo Ex. PW1/A. Krishan Lal, Assistant Lineman, was examined as PW2. He was one of the members of the investigating team in whose presence the premises of the petitioner was inspected and checking report was prepared at the spot. He stated that the energy was being supplied to HP motor and 45 bulbs by making a direct supply from the main line. Ved Pal Vohra, SDO, was examined as PW3, who supported the case of the prosecution in totality. ASI Sultan was examined as PW4, who had registered the formal FIR, Ex. PW4/A, in the present case. Prem Chand, SDO, was examined as PW5, who had assessed the loss caused by the petitioner in making illegal extraction of the energy and he had proved his written complaint Ex. PW5/A and checking report Ex. PW5/B. SI Sandeep Singh was examined as PW6, who had prepared the investigation report under Section 173 Cr.P.C. From the aforesaid evidence, the prosecution had clearly proved that the

officials had inspected the premises of the accused and the same were found directly connected to the main line by using a core wire of 15 meters length. Checking report was prepared at the spot and it stood proved that the petitioner was guilty of the offence with which he was charged. Even otherwise, I have carefully gone through the judgments passed by both the Courts and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 17.10.2000, i.e., for the last about 25 years. As per his custody certificate, the petitioner has already undergone 01 month and 24 days of actual custody. The petitioner is aged about 54 years and is the sole bread earner of the family. The sentence imposed on the petitioner was suspended by this Court on 10.04.2008 and in the last about 18 years, he has maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and impugned judgement dated 18.02.2008 passed by the Court of Additional Sessions Judge, Panipat and the judgement of conviction dated 21.07.2006 and order of sentence dated 24.07.2006 passed by the Court of Judicial Magistrate 1st Class, Panipat, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period

already undergone by him. However, the sentence of fine will remain the same.

12. Pending applications, if any, stand also disposed of, accordingly.

20.04.2026			(N.S.SHEKHAWAT)
amit rana			JUDGE
	Whether reasoned/speaking	:	Yes/No
	Whether reportable	:	Yes/No