

(2014) 01 RAJ CK 0122

In the Rajasthan High Court

Case No : Criminal Appeal No. 935/2012 with Criminal Misc. Stay Application
No. 3099/2012

Bhoop Singh

APPELLANT

Vs

Jaipur Vidyut Vitran Nigam Ltd.

RESPONDENT

Date of Decision : 03-01-2014

Acts Referred:

Electricity Act, 2003 — Section 135, 154 (5)

Citation : (2014) 2 WLN 52

Hon'ble Judges : M.C. Sharma, J

Bench : Single Bench

Advocate : Anil Jain, Advocate for the Appellant; G.S. Fauzdar, Special PP for JVVNL, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

M.C. Sharma, J.—This appeal has been filed against the judgment dt. 15.10.2012 passed by Special Judge, Electricity Offences Act (Additional Sessions Judge), Dholpur in Special Sessions Case No. 6/2004, whereby the appellant has" been convicted under Sec. 135/154 (5) of the Electricity Act and a fine of Rs. 10,000/- has been imposed on him; in default of payment of fine, to undergo six months" SI. Without going into the merits of the case, learned counsel for the appellant has requested to this Court that he is not challenging the conviction part of the judgment of the Court below. He is only requesting to this Court that either the appellant should be exempted from depositing the amount of fine, or the fine of Rs. 10,000/- imposed upon the appellant should be reduced from Rs. 10,000/- to Rs. 5,000/- looking to the poor economic condition of the appellant.

2. Learned Special PP has opposed the same.

3. I have heard learned counsel for the parties and carefully perused the relevant material on record.

4. Looking to the facts and circumstances of the case, this appeal is disposed of

with the following directions:

(i). The conviction of the accused appellant, as ordered by the Court below, is maintained;

(ii) Fine of Rs. 10,000/- imposed upon the appellant is reduced from Rs. 10,000/- to Rs. 5000/-, which should be deposited by the appellant within a period of one month; and in default of payment of fine, he will have to suffer one month's SI.

(iii) Rest of the terms under the impugned judgment shall remain unchanged.

5. The impugned judgment passed by the Court below is modified as indicated here-in-above. Stay, application also stands disposed of accordingly.