

(2015) 05 DEL CK 0415

In the Delhi High Court

Case No : Criminal Appeal No. 1467 of 2014

Bihari Lal Aggarwal

APPELLANT

Vs

BSES Yamuna Power Ltd. and Others

RESPONDENT

Date of Decision : 21-05-2015

Acts Referred:

Electricity Act, 2003 — Section 135, 138

Citation : (2015) 3 JCC 2032

Hon'ble Judges : S.P. Garg, J.

Bench : Single Bench

Advocate : B.P. Agarwal, Advocate, for the Appellant; Raghav Chadha, Advocate and Jagbir Singh, SI, for the Respondent

Final Decision : Disposed Off

Judgement

S.P. Garg, J.—The present appeal has been preferred by the appellant to challenge the legality and correctness of a judgment dated 12.09.2014 of learned Additional Sessions Judge, Special Electricity Court, East Distt. in Sessions Case No. 40/13 arising out of FIR No. 78/07 under Sections 135 and 138 of the Electricity Act, registered with Police Station Farsh Bazar. By an order dated 27.09.2014, he was awarded SI for two years each under Sections 135 and 138 of the Act. Civil liability was determined to be Rs. 9,09,278/- and Rs. 2,50,000/- were paid out of that. Both the sentences were to operate concurrently. The appeal is contested by the respondent-company. By an order dated 29.10.2014 of this Court, on depositing a sum of Rs. 9,09,278/- (minus the amount already deposited with the Department to the tune of Rs. 2,50,000/-) with the Registrar General of this Court, the substantive sentence of the appellant was suspended. By order dated 20.11.2014, the said order was modified and the appellant was directed to deposit 75% of the amount of Rs. 9,09,278/-. Accordingly, the appellant deposited Rs. 4,31,960/- before the Registrar General of this Court.

2. During the pendency of the appeal, both the parties entered into settlement before the National Lok Adalat-1. The appellant agreed to make payment of Rs.

10,000/- besides the payment already made by him. The respondent agreed to accept the offer in full and final settlement of the claim. It was agreed that the respondent will be at liberty to withdraw Rs. 4,31,960/- lying deposited with the Registrar General of this Court.

3. Today both the parties have put appearance and have prayed to dispose of the appeal as settled/compounded. It is further informed that the terms and conditions of the settlement have been complied with.

4. Since the offence has been compounded/settled between the parties before National Lok Adalat-I of this Court held on 9th May, 2015 and its terms and conditions have been complied with, the appeal stands disposed of as settled/compounded. The appellant is acquitted. The amount of Rs. 4,31,960/- lying before the Registrar General of this Court along with accrued interest (if any) will be released to respondent No. 1. The appeal stands disposed of. Trial Court record (if any) along with the copy of this order be sent back forthwith.