

(2024) 02 RAJ CK 0051

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 588 Of 2020

Executive Engineer

APPELLANT

Vs

Jaswant Singh

RESPONDENT

Date of Decision : 14-02-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 372

Electricity Act, 2003 — Section 135, 138

Probation Of Offenders Act, 1958 — Section 4

Citation : (2024) 02 RAJ CK 0051

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Awardan Ujjawal

Final Decision : Dismissed

Judgement

Manoj Kumar Garg, J

The present criminal appeal has been filed under Section 372 Cr.P.C. against the judgment dated 28.02.2020 passed by the learned Special Court, Electricity Offence, Pali (for short hereinafter referred to as 'trial Court') in Session Case No.119/2015(CIS No.299/2015) whereby the learned trial Court convicted accused-respondent for the offence under Section 135 of Electricity Act and sentenced him to undergo one year S.I. along with a fine of Rs.20,000/-, default in payment of which he was ordered to further undergo two months' simple imprisonment.

No one has appeared on behalf of the appellant-Jodhpur Vidyut Vitran Nigam Ltd.

Learned counsel for the respondent submits that against the judgment dated 28.02.2020, accused-respondent- Jaswant Singh had also filed an appeal before this Court, which was registered as S.B. Criminal Appeal (SB) No.352/2020 (Jaswant Singh V/s State) and the said appeal was partly allowed by the Co-ordinate Bench of this Court vide order dated 09.11.2022, in the following terms:-

"12. Resultantly, the present appeal is partly allowed. While maintaining the conviction of the present accused-appellant for the offence under Section 138 of Electricity Act, as recorded by the learned Court below in the impugned judgment, this Court interferes only with the sentence part of the said judgment, and directs that the appellant shall be released on probation, under Section 4 of the Act, upon his furnishing a personal bond in the sum of Rs.50,000/- and two sureties in the sum of Rs.25,000/-each to the satisfaction of the learned trial court with a further undertaking that he shall maintain peace and good behaviour for a period of two years and shall not repeat the offence. The appellant is on bail. He need not surrender. His bail bonds stand discharged accordingly. All pending applications stand disposed of. Record of the learned court below be sent back forthwith."

Counsel for the respondent submits that appellant- Jodhpur Vidhyut Vitaran Nigam Ltd. has filed the present appeal for enhancement of the sentence and for imposition of appropriate fine, however, the accused-respondent has already been ordered to be released while granting the benefit of Section 4 of the Probation of Offenders Act.

I have considered the arguments advanced before me and carefully gone through the material available on record.

Since, the Co-ordinate Bench of this Court while partly allowing the criminal appeal filed by the respondent- Jaswant Singh vide order dated 09.11.2022, has already modified the judgment dated 28.02.2020 and now the accused-respondent has been released on probation while granting the benefit of Section 4 of the Probation of Offenders Act, therefore, no interference is called for in the impugned judgment dated 28.02.2020 passed by the learned Special Court, Electricity Offence, Pali.

Accordingly, present criminal appeal is hereby dismissed.