

(2013) 08 DEL CK 0410

In the Delhi High Court

Case No : Criminal Appeal 163 of 2012 and Criminal M.B. 271 of 2012

Pushpa Sharma

APPELLANT

Vs

State NCT Of Delhi and Another

RESPONDENT

Date of Decision : 08-08-2013

Acts Referred:

Electricity Act, 2003 — Section 135

Citation : (2013) 08 DEL CK 0410

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

Bench : Single Bench

Advocate : Vinod Kumar, for the Appellant; M.N. Dudeja, APP and Ms. Anjali Sharma, for R2, for the Respondent

Final Decision : Disposed Off

Judgement

S.P. Garg, J.—Pushpa Sharma (the appellant) challenges the correctness of judgment dated 19.07.2011 of learned Additional Sessions Judge in Complaint Case No. 1029/2006 PS Mehrauli u/s 135 Electricity Act, 2003 by which she was convicted for committing the offence u/s 135 of the Act. By an order dated 10.01.2012, she was sentenced to undergo RI for six months. Civil liability of Rs. 1,18,175/- was assessed. Allegations against the appellant were that on 11.03.2006 at about 01.10 P.M. premises bearing No. 177 EA, Ward No. 2, Shop No. 51, Mehrauli, New Delhi were inspected and it was found that one single phase electronic meter was installed and it was lying in idle condition. The appellant was user of the said premises and the said meter was in her name. She was not using the electricity through the said meter but was illegally using it by tapping the bus bar with the aid of copper wire. The team found that total connected load was 10.75 KW. The necessary proceedings were conducted and the complaint case was filed. The appellant was summoned for the offence u/s 135 of the Electricity Act, 2003. The respondent examined four witnesses. In her 313 statement, she pleaded false implication. She examined three witnesses in defence. After appreciating the evidence and considering the rival contentions of

the parties, the Trial court, by the impugned judgment, convicted and sentenced the appellant as mentioned previously.

2. During the course arguments to settle the dispute, the appellant expressed her willingness to deposit 1/3 of the total civil liability on 20.05.2013. Counsel for respondent No. 2/BSES Rajdhani Power Ltd. sought time to get instructions from the department/respondent No. 2/BSES Rajdhani Power Ltd. Today, counsel for the respondent No. 2/BSES Rajdhani Power Ltd. has stated that taking into consideration the peculiar facts and circumstances and the pathetic condition of the appellant, the department respondent No. 2/BSES Rajdhani Power Ltd. has agreed to settle the dispute with the appellant on her payment of 1/3 of the civil liability assessed by the Trial Court and on deposit of that amount, the department/respondent No. 2/BSES Rajdhani Power Ltd. has no objection to dispose of the appeal as settled/compounded.

3. The appellant and her counsel state at Bar that they shall deposit 1/3 of the civil liability within one month with the respondent No. 2/BSES Rajdhani Power Ltd. Accordingly, the appellant is directed to deposit 1/3 of the civil liability within one month with the respondent No. 2/BSES Rajdhani Power Ltd.

4. Since the matter has been finally settled/compounded, the offence and the appeal stand compounded. The respondent No. 2/BSES Rajdhani Power Ltd. does not oppose the appeal and has no objection if it is accepted and the matter is disposed of as compounded.

5. In view of the statement made by the learned counsel for the respondent No. 2/BSES Rajdhani Power Ltd., the appeal is accepted in terms of the settlement. Since the offence stands compounded the appellant is acquitted of the charge.

6. It is however made clear that if the appellant fails to deposit the amount as directed within one month, the respondent No. 2/BSES Rajdhani Power Ltd./ department will be at liberty to get the appeal revived. The appeal stands disposed of in the above terms. Pending bail application also stands disposed of being infructuous.