CASE ID YM061017NP023
SC NO.1850/19, CNR NO.4434/19
FIR NO.715/18, P.S. Nand Nagri, Delhi
U/S 135 of the Electricity Act, 2003
State Through BSES YPL Vs. Akshay

15.05.2019

A fresh final report/charge-sheet u/s 173 Cr.P.C. is filed today against accused for the offence punishable u/s 135 of the Electricity Act, 2003. It be checked and registered.

Pr.: Sh. S.K. Tripathi Ld. Addl. PP for the State.

I/O ASI Devender Kumar is present in person.

Sh. Mukesh Sharma, AR of the Complainant Company to assist the Ld. Addl. PP for the State.

He has filed copy of Board Resolution and Power of Attorney in his favour to prosecute the present matter on behalf of the Complainant Company.

Heard. Record is perused.

On the basis of the allegations as contained in the charge-sheet coupled with the evidence and materials collected during investigation of this case, there is sufficient material to take cognizance. Hence, I take cognizance of the offence punishable u/s 135 of the Electricity Act, 2003 against accused.

Accused is present in person being the bound down by the IO. Hence accused is deemed to have been served.

Copy of charge-sheet along-with documents are supplied to the accused.

At this stage, it is submitted by the accused that he wants to settle the present matter with the Complainant Company.

On the other hand, it is submitted on behalf of the Complainant Company that Complainant Company has no objection, if the accused wants to settle the present matter, subject to payment of settled amount.

In the present case, after negotiation, it is settled that accused will pay the settlement amount of Rs.27,000/- in monthly installments towards the theft case bill.

Heard.

Let the statement of the parties be recorded separately.

(Devendra Kumar Sharma)
ASJ/Special Electricity Court

Statement of accused Akshay s/o Sh. Rajesh Kumar R/o C-3/67, Nand Nagri, Delhi. Aged about 25 years. Mobile no. 8178119857.

On S.A.

I am the accused in the present case. I want to settle the present matter with the Complainant Company. I shall make payment of the settled amount of Rs.27,000/- in monthly installments towards the theft bill of Case ID No :YM061017NP023. I am ready to make payment of Rs.3,000/- within one month from today i.e. on or before 15th June, 2019 and remaining amount of Rs.24,000/- in 8 equal monthly installments of Rs.3,000/- on or before 15th of each succeeding month starting from July, 2019. In case, I shall make any default, the Complainant Company shall be at liberty to take legal action for recovery of the full amount of the impugned bill (and not the settled amount) as deemed decree. I had not

settled present matter prior to the present settlement with the complainant company and my statement is correct. In case, it is found incorrect, the entire settlement shall be null and void. I also undertake to withdraw/not to pursue any case/representation/writ before any Competent Authority/Court of law filed by me or on my behalf pertaining to present case/inspection. I am making this statement voluntarily, without any fear, pressure or mis-representation. I pray that on deposit of settlement amount, the electricity connection may kindly be allowed to be installed after fulfilling the necessary formalities.

RO & AC (Devendra Kumar Sharma)
ASJ/Special Electricity Court

Statement of Sh. Mukesh Sharma, AR for the Complainant Company.

On S.A.

I am authorised representative on behalf of the Complainant Company. I have heard the statement of the accused. I have no objection, if the matter is compounded in terms of the statement made by the accused and complainant company may kindly be given liberty to take action as per law, if the accused defaults in making the payment of settled amount. I further undertake that after completion of necessary formalities and after deposit of first installment, meter will be installed by the complainant company.

RO & AC (Devendra Kumar Sharma)
ASJ/Special Electricity Court

ORDER :

Heard. Perused the record as well as statements of the accused and AR for the Complainant Company.

In view of the above statement of the accused and Sh. Mukesh Sharma, AR of the Complainant Company recorded above, the accused is hereby acquitted. His bail bond, if any, stands cancelled. Surety, if any, stands discharged. Original documents, if any, be returned to the rightful claimant after cancellation of endorsement thereon. Accordingly, in this case the Civil Liability against the accused is also waived off.

Complainant company is directed to install the meter after completion of necessary formalities and after deposit of first installment by the accused.

The accused/consumer is at liberty to make payment either in cash or through cheque or bank draft.

The case property of this matter is confiscated and be dealt with / disposed off as per law / rules.

Judicial file be consigned to the record room as per rules after necessary compliance. Copy of the order be given dasti to the parties.

(Devendra Kumar Sharma)
ASJ/Special Electricity Court
East Distt./KKD/Delhi/15.05.2019