

SC No. 385-21
FIR No. 333-18
PS Nangloi
State Vs. Manoj Kumar @ Manoj Shokeen

15.11.2022

Present : Ld. Addl. PP for the State.
Sh. Binay Kumar, AR for the complainant company with
Ld. Counsel.
Accused Sandeep already stand declared PO vide order
dated 05.04.2022.
Accused Manoj Kumar @ Manoj Shokeen present with
Ld. Counsel.
Accused Dharam Chand present with Ld. Counsel.

The matter is fixed today for the purpose of arguments
on notice.

It is submitted by the Ld. Counsel for the accused
Manoj Kumar @ Manoj Shokeen that notice be framed qua accused
Manoj Kumar @ Manoj Shokeen.

As far as accused Dharam Chand is concerned, Ld.
Counsel for the accused Dharam Chand argued that accused Dharam
Chand has been falsely implicated in the present FIR despite having
no role w.r.t alleged theft in question. It is further submitted that
accused Dharam Chand was a tenant in the premises in the year 2012
and had vacated the same in the year 2013. It is also submitted that
even a rent agreement was executed in between accused Dharam
Chand and one Rakesh and the said rent agreement has been misused
for the purpose of taking connection in the name of accused Manoj
Kumar @ Manoj Shokeen. It is further submitted that even otherwise
the meter connected in the tenanted premises of accused Dharam
Chand was w.r.t ground floor and that too for single phase meter and
the allegations levelled to the effect that from the said ground floor
meter the said theft took place are false and the same is not possible.
It is also submitted that the single modus operandi was also adopted

by accused Manoj Kumar @ Manoj Shokeen with another tenant Rakesh which has been mentioned in the charge sheet itself.

Whereas, on the other hand, it is submitted by the Ld. Addl. PP for the State as well as AR for the complainant that the submissions made by the Ld. Counsel for the accused Dharam Chand cannot be considered at the stage of framing of notice and it can be proved only during the course of trial at appropriate stage.

Arguments heard and considered.

The court agrees with the submissions made by the Ld. Addl. PP for the State that the submissions made by Ld. Counsel for the accused Dharam Chand for the purpose of discharge of accused Dharam Chand have to be proved first during the course of evidence at appropriate stage.

At this stage, there is prima facie material to frame notice against the accused persons namely Manoj Kumar @ Manoj Shokeen and Dharam Chand for the offence punishable u/s 135 of Electricity Act. Notice framed accordingly to which accused persons have pleaded not guilty and claimed trial.

Material witnesses mentioned at **Sl. No.1, 3, 4 and 5** of list of witnesses be summoned for the next date of hearing.

Case property, if any, be also summoned through concerned MHC(M) from both the sides.

Put up for PE now on **05.12.2022**.

(Vinay Singhal)
ASJ (Electricity) - 01,
Central/Tis Hazari Courts/Delhi
15.11.2022