

SC 329/2024
STATE Vs. UPASNA KAKKAR
FIR no.734 /2023
PS Bharat Nagar

23.11.2024

Present : Ld. Addl. PP for the State.
Sh. Satish Kumar, AR of the complainant company along with Sh.Vaibhav Gupta, Manager(Legal) and Ms. Mansha, Assistant Manager(Legal) for the complainant company /TPDDL.
Sh. Ashish Balyan, Ld. LAC along with Sh. Pankaj Anand, Sh. Rajnish Kushwaha, Ms. Vinita, Ld. counsel(s) for accused Upasna Kakkar.

An application under Sec. 483 BNSS (439 Cr.P.C.) for grant of bail has been filed on behalf of applicant/ accused Upasna Kakkar.

Submissions of Ld. LAC heard.

The present case is U/S 135 of the Electricity Act. The case is based upon the documentary evidence. Trial of this case will take its own time. Considering all these facts, **accused Upasna Kakkar is admitted on bail on furnishing the personal bond and the surety bond of Rs.25,000/-. Bail bond furnished on behalf of the accused. In the absence of the solvency proof of the surety, same is accepted till NDOH. Fresh Bail Bond be furnished on behalf of accused on the NDOH.**

The documents have been supplied to Ld. LAC. Ld. Dy. LAC has gone through the documents. Same are complete.

Submissions on framing of notice heard.

It is submitted by the Ld. LAC for the accused that accused has been falsely implicated in the instant matter and no offence is made out against her.

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Per contra, it is submitted by complainant company that *prima facie* offence under Section 135 of Electricity Act is made out against the accused as the sufficient material is on record against the accused.

As per Section 154 (3) of the Electricity Act, 2003, the special court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code of Criminal Procedure, 1973, try the offence referred to in (sections 135 to 140 and section 150) in a summary way in accordance with the procedure prescribed in the said Code and the provisions of section 263 to 265 of the said Code shall, so far as may be, apply to such trial.

Accordingly, the notice U/S 135 Electricity Act is framed qua the accused **Upasna Kakkar**. She pleads not guilty and claims trial.

Put up for furnishing of solvency proof of surety qua the surety bond and P.E. on 24.01.2025.

PWs i.e. Sh. M.K. Singh (complainant) be summoned through complainant company for the said date.

(PRASHANT KUMAR)
ASJ (Electricity)/(N-W)
Rohini Courts, Delhi /23.11.2024