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SC 42/2026
STATE OF DELHI Vs. BILAL
FIR No. 530/2025
PS (Jama Masjid)

15.07.2026

Present: Sh. Deepak Kumar Jha, Ld. Addl. PP for the
State.
Sh. Hitanshu Uttreja, Assistant Manager (Legal) of
complainant company.
IO HC Jitendra Singh in person.
None for proposed accused.

The notice of the application filed for condonation of delay in filing the final report is reported served upon the proposed accused. No appearance has been filed by him. The application is taken up for hearing.

Submissions are heard on the application seeking condonation of delay in filing the chargesheet on behalf of parties present before the court today.

The case was registered on 15.11.2025 on the complaint given by the employee of the complainant company to the police on 24.03.2023 alleging detection of theft of electricity during the inspection carried out on 21.06.2022. The report was signed by ACP on 10.01.2026 and same was filed in the court by HC Jitendra Singh on 14.01.2026

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It is submitted by the Assistant Manager of complainant as well as Ld. APP that as the complaint was given to the police within period of three years from the date of offence, the report filed before the court can be considered as filed within prescribed limitation period. Reliance is placed upon case of Roma Ahuja Vs State & Ors, 2026 INSC 336 in support of his submission.

After going through the judgment of Roma Ahuja as relied upon, I found myself agree with the contention as made that cognizance can be taken by the court on the report and same is not beyond prescribed period of limitation. The application is disposed accordingly considering the chargesheet filed within limitation period.

However the report is not found sufficient to take the cognizance. The complaint given to the police along with reports has not been filed in original. The original inspection report, load report and seizure memo prepared on 21.06.2022 which were given to the police along with complaint are required for trial of the matter. No reason is mentioned in the report for not filing of the said original reports as well as the complaint in original upon which the FIR was registered.

The conclusion of the police in the report that sufficient evidence has been collected to challan accused Mohd. Bilal S/o Mohd. Khalil mentioned in column no. 11, offence under Section 135/138/150 Electricity Act, and it is prayed that he be summoned.

The offence punishable under Section 150 Electricity Act, 2003 pertains to offence of abetment and there is no mention

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how accused Mohd. Bilal abetted his offence and who executed the offence abetted by him.

The IO has filed four photographs at page no. 26 of the report and there is no mention in the entire report about their negatives or their soft/digital files by which they are printed. The details of the digital devices used by photographer Sunil Kumar during the inspection has not been collected from him when he was examined on 14.12.2025. The requisite certificate duly complying with legal provisions in respect of electronic evidence has not been collected from the photographer. The certificate signed by Sh. Sanjeev Kumar under Section 65-B of Evidence Act, 1872 is made part of the chargesheet at page no. 17 but his name is not included in the list of witnesses in the chargesheet.

The facts of the case depict that investigations have not been carried out sincerely and the report is filed before the court in a mechanical manner without application of mind. The report further depicts that neither the ACP has bothered to supervise the investigations nor DCP has monitored the investigations ensuring the fair investigations in compliance of Standing Order 444/2016 issued by Office of Ld. Commissioner of Police, Delhi.

Assistant Manager of complainant seeks time to move appropriate application submitting that if orders are passed on the report as of now there will be defeat of justice and prejudice to the case of complainant.

As prayed, put up on **19.08.2026** for further proceedings.

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Copy of this order be sent to Office of Ld.
Commissioner of Police, Delhi for intimation.

(Sunil Chaudhary)
Special Judge, Electricity-02,
Central/THC/Delhi/15.07.2026