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**IN THE COURT OF I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, CHAMARAJANAGARA [SITTING AT KOLLEGALA]**

DATED THIS THE 30th DAY OF JUNE, 2026

Present:

Sri. T.C. SRIKANTH, B.Com, LL.B.,
I Addl. District and Sessions Judge,
Chamarajanagara [Sitting at Kollegala].

Spl.C. No.5080/2025

Complainant : State by Kollegala Rural Police Station,
[By Learned Public Prosecutor]

V/s

Accused : Rachappaji
S/o Masanashetty @ Bukan,
Aged 31 years,
R/at 4tWard, Masanashettara Beedi,
Madhuvanahalli Village,
Kollegala Taluk,
Chamarajanagara District.

[By Sri.M.M., Advocate]

1. Date, time & place of offence : 16-12-2024
5.30 to 6.00 hours.
Rachappa's Farm land,
Madhuvanahalli village,
Kollegala Taluk.
2. Name of the Complainant : Madesh
3. Date of arrest of accused : 17.12.2024
4. Date of release of accused : 15.1.2025
5. Date of Commencement of trial : 18-11-2025
6. Date on which evidence was closed : 10-6-2026
7. Alleged offences : U/s. 135(1) (A) and 138
of Indian Electricity Act
2003 and Section 105 of
B.N.S.
8. Opinion of the Judge : Accused found guilty for
offence p/u/s 135 of
Indian Electricity Act
2003.
9. Date of judgment : 30-6-2026

I Addl. District & Sessions Judge,
Chamarajanagara [Sitting at Kollegala].

J U D G M E N T

This is a charge sheet filed by the Circle Inspector of
Police, Kollegala Circle, Kollegala, Chamarajanagara

District, against the accused for the offence punishable under Sections U/Section 105 of Bharatiya Nyaya Sanhita, 2023 ('BNS 2023' for short) and Section 135 (1) (a) and 138 of Indian Electricity Act.

2. Brief facts of the case as per the charge sheet filed by the prosecution is that, the accused is cultivating the land bearing Survey No.99/B, situated at Haravanapura, measuring 1 acre 24 guntas standing in the name of his father and uncle, by obtaining electricity connection bearing No.RRNO:MDIP 116 by installing electricity starter box in the land and is growing maize crop. The accused in order to protect the crop from wild animals has erected a fence around the land by installing wooden logs and using GI wire and during night time he has illegally drawn electricity from the starter box service main wire by giving connection to the GI wire. Likewise the accused has drawn electricity at 8.00 pm on 15.12.2024. On 16.12.2024 at around 5.30 AM, Smt.Pavithra, wife of CW-1 had come to harvest sugarcane in the land leased by CW-17, which belongs to CW-18, located adjacent to the accused's land. When she went near the ridge of the accused's land to urinate, her right hand came into contact with the live GI wire to which the accused had illegally supplied electricity around his land, as a result, she collapsed on the spot due to electrocution. Subsequently, Pavithra was admitted to Holy Cross Hospital in Kamagere,

where the doctors examined her and confirmed that she had passed away at around 6.15 AM. Hence the charge sheet.

3. After submission of the charge sheet, as there are sufficient grounds to proceed against the accused, the cognizance of the alleged offences are taken.
4. The accused is on court bail. He has engaged the services of his Advocate to defend himself. After hearing, the charge was framed against the accused. The charge was read over and explained to him. The accused has pleaded not guilty and claimed to be tried.
5. In support of the case, the prosecution has totally examined witnesses as PW-1 to PW-18 and got marked documents as exhibits Ex.P1 to P26 and material objects MO-1 to MO-7. The prosecution also got marked Ex.C1 to C6 through PW-2 to PW6 and and PW-14.
6. The accused was examined U/s. 351 of Bharatiya Nagarik Suraksha Sanhita, 2023, ('BNSS 2023' for short) for the purpose of enabling the circumstances existing against him. The accused denied all the incriminating evidence existing against him. The defence has not led any evidence from their side.
7. I have heard the arguments canvassed by both sides and perused the materials available on record. The points that arise for my consideration are as follows:

1. Whether the prosecution has further proved beyond all reasonable doubt that, the accused has drawn electricity at 8.00 pm on 15.12.2024 illegally as aforesaid knowing fully well that if humans and animals come in contact with the said GI wire having live electricity they would die and on 16.12.2024 at around 5.30 AM, Smt.Pavithra, wife of CW-1 had come to harvest sugarcane in the land leased by CW-17, which belongs to CW-18, located adjacent to the accused's land and when she went near the ridge of the accused's land to urinate, her right hand came into contact with the live GI wire to which the accused had illegally supplied electricity around his land, as a result, she collapsed on the spot due to electrocution and subsequently, Pavithra was admitted to Holy Cross Hospital in Kamagere, where the doctors examined her and confirmed that she had passed away at around 6.15 AM, and hence the accused acted with gross negligence, directly resulting in the death of Pavithra, wife of CW-1 due to electrocution and thereby committed the offence punishable under Section 105 of BNS?
2. Whether the prosecution has proved beyond all reasonable doubt that, the accused is cultivating the land bearing Survey No.99/B, situated at Haravanapura, measuring 1 acre 24 guntas standing in the name of Rachappaji @ Bukan, by obtaining electricity connection bearing No.RRNO:MDIP 116 by installing electricity starter box in the land and is growing maize crop and the accused in order to protect the crop from wild animals has erected a fence around the land by installing wooden logs and using GI wire and during night time he has illegally drawn

electricity from the starter box service main wire by giving connection to the GI wire, and thereby committed the offence punishable under Section 135(1) (a) and 138 of the Indian Electricity (Amendment) Act 2003?

3. What Order?

8. My answers to the above points are as follows.

Point No.1: In the negative.

Point No.2: In the affirmative.

Point No.3: As per final order for the following:

REASONS

9. **Point No.1:** In this case the death of Pavithra is not in dispute. She died due to electrocution. Ex.P43 is the P.M. Report. Ex.P47 is the Final Opinion of the Doctor. As per his opinion, the death of Pavithra was due to electrocution. PW-2, PW-3, PW-4 had accompanied the deceased to do coolie work in the land of PW-6. They deposed that deceased had been to attend nature call. They heard the shouting of the deceased. When they saw the deceased had come in contact with the fence and died due to electric shock. It is not the case of the accused that the death of said Pavithra was natural.

10. According to prosecution the accused had connected the electricity to the fence illegally to protect the crop from the

wild animals. Hence, due to the negligent act of the accused the death of Pavithra had been caused.

11. Negligent homicide is the criminal offence committed by one whose negligence is the direct and proximate cause of another's death. Criminal homicide constitutes negligent homicide when it is committed negligently. It is the gross and culpable neglect or failure to exercise that reasonable and proper care and precaution to guard against injury either to the public generally or to an individual in particular. Criminal rashness in hazarding a dangerous or wanton act with the knowledge that it is so, and that it may cause injury, but without intention to cause injury or knowledge that it will probably be caused.
12. PW-2 deposed that on 16.12.2024 she had been to coolie work and deceased Pavithra had also accompanied her. She further deposed that deceased, PW-3 and herself went to attend the nature call. They found a fence and all of them went near the fence to attend the nature call. Earlier, PW-2 got electric shock from the fence and she came back. Thereafter, she heard screaming voice of the deceased. When they saw, the deceased had fell down near the fence. CW-4 to CW-6 came there and taken the deceased to the hospital. There she was declared dead. She further deposed that, the land was in possession of the accused. The wooden poles were installed and a wire

was drawn through the wooden poles. The police have seized the wooden poles and the wires from the spot. PW-2 also stated before the Magistrate as per Ex.C1.

13. PW-3 is another eyewitness to the incident. She also deposed that when they had gone near the fence, deceased got electric shock and fell down at the spot. She also identified the poles installed at the spot. PW-4 deposed that when he had been to the spot on hearing the screaming voice, he saw wooden poles were installed and a wire was drawn through the said wooden poles. He further deposed that the place in which those wooden poles were installed belongs to the accused.
14. PW-5 is also another eyewitness to the case. He also deposed that maize crops were cultivated in the land and wooden poles were installed and a wire was drawn through the said wooden poles. He also gave statement before the Magistrate as per Ex.C4.
15. PW-6 deposed that he had grown sugarcane in the land of CW-18 as he had taken the said land on lease. He further deposed that PW-4 brought PW-2, PW-3, PW-5, deceased and others to cut the sugarcane crops grown in the land. The land of the accused is situated by the side of his land. The accused had covered his land with fence. Accused had grown maize crop in his land.

16. PW-9 is the Joint Director, Central Power Research Institute, Bengaluru. He examined the wire seized by the IO in the land of the accused. He gave opinion that if the conductor comes in contact with electricity supply, it can conduct electricity and any living comes in contact with bare conductor can suffer electric shock. He certified that electricity can flow through the wire seized by the IO.
17. PW-10 is the owner of the land bearing Survey No.99/B situated at Madhuvanahalli village. He deposed that PW-6 was cultivating the land on lease basis. The land of the accused is situated adjacent to his land.
18. PW-12 is the Assistant Executive Engineer (CHESCOM). He deposed that on 16.12.2024 he visited the spot. He found the wooden poles installed in the land. A fence was surrounding by the land. There was a bore-well to which regular electricity was connected. He further deposed that from that electricity board illegally electricity was supplied to the fence.
19. PW-13 is the Revenue Inspector. He deposed that he visited the spot. The land was in the name of one Masanashetty. The accused is the son of said Masanashetty and he was in possession of the said land at the relevant time.

20. PW-17 and PW-18 are the Investigating Officers deposed in detail in respect of the investigation conducted by them.
21. Admittedly, the place where the deceased died due to electrocution was a private land. No public have access to the said place. There was no anticipation to the accused that deceased and others would come near the fence to attend the nature call. Of course, the act of the accused in supplying the electricity to the fence is illegal. Even if we believe that accused had illegally connected the electricity to the fence, he cannot expect any public will come near the fence and they would get electric shock from the fence. There is no direct act of the accused to the death of the deceased. At about 5.30 am, when accused was not in the spot, deceased and others came near the fence. One cannot expect that in the early morning public will come near the fence. Further, why the deceased and others chose that place to attend their nature call is not known. The criminal law requires high degree of rashness and negligence to bring the accused within the ambit of Section 105 of BNS. There is no material on record to prove there was gross negligence on the part of the accused, which caused the death of Pavithra.

22. Admittedly, accused is a farmer. Of course, he could not draw the electricity illegally to his fence and he has to draw electricity with the help of a competent person. However, that itself is not the ground to fix the liability of negligence on the accused. Criminal law requires high degree of recklessness and negligent act to bring the accused within the ambit of rash and negligent act. There is no direct nexus to the death of the deceased to the accused. Accused directly did not do any negligent act which caused the death of the deceased. Absolutely there are no grounds to fix the liability of the accused or to prove the negligent act of the accused to the death of the deceased. Hence, this court can safely answer point No.1 in the negative.
23. **Point No.2:** PW-17, who is the IO, in his evidence deposed that on 17.12.2024 he visited the spot and drawn the Mahazar in the presence of witnesses. He noticed 92 wooden poles were installed in the land and a wire was drawn through the said poles. Ex.P19 is the RTC of the said land. Learned counsel for the accused would contend that the revenue document is in the name of one Masanashetty. The accused is the son of said Masanashetty. The said Masanashetty is now dead. Ex.P23 is the Mahazar drawn by the Revenue Inspector. According to contents of Ex.P23, after the death of the father of the accused, he is in possession of the said land.

The accused did not adduce any evidence. It is for the accused to state that, who is in possession of the said land after the death of his father. Ex.P25 is also RTC produced by the Revenue Inspector. The prosecution has also examined the Revenue Inspector as PW-13. Nothing has been elicited in his cross-examination to disbelieve the contents of Ex.P23.

24. PW-12 is an independent witness. He is the Assistant Executive Engineer of CHESCOM. He deposed that he noticed the wooden poles installed in the land and wire was drawn through the said poles and it was connected to the fence. Further, he noticed that the electricity was drawn from the Meter Board installed for the purpose of bore-well. PW-14 is also an independent witness. He deposed that he noticed that the accused grown maize in his land. Further the accused had connected electricity to the fence and police have seized the electric wire and wooden logs from the land of the accused. Hence, through the witness the prosecution has successfully proved that though the accused had taken valid electricity connection to his bore-well, but illegally connected the electricity to the fence. The accused did not produce any documents to prove the permission to draw the electricity. Hence, the accused has committed the offence under Section 135 of the Indian Electricity Act. Accordingly, I answer point No.2 in the affirmative.

25. **Point No.3:** In view of the findings on point Nos.1 and 2, I proceed to pass the following:

ORDER

Accused found not guilty of the offence punishable under Section 105 of BNS, 2023. Hence, accused is acquitted u/s. 255(1) of BNSS, 2023.

The accused found guilty of the offence punishable under Section 135 of Indian Electricity (Amendment) Act. Hence, accused is convicted u/s. 255(2) of BNSS, 2023. Sentence will pronounced after hearing both sides.

The bail bonds of the accused and that of his surety stand canceled.

Material Objects MO-1 to MO-7 shall be destroyed after the appeal period is over.

Furnish copy of the judgment to the accused forthwith at free of cost.

[Dictated to the Stenographer directly on the computer, typed by him, revised, corrected and then pronounced by me in the open Court on this the 30th day of June, 2026].

(T.C. SRIKANTH)

I Addl. District & Sessions Judge,
Chamarajanagara, [Sitting at Kollegala].

REGARDING SENTENCE

Heard the arguments.

Learned Public Prosecutor would contend that the act of the accused drawing electricity illegally would amount to loss to the Government Exchequer. Hence, she prays to impose maximum punishment.

On the other hand, learned counsel for the accused prays to consider lenient view.

Admittedly, the accused is a farmer. He had valid electricity connection to his bore-well. However, in order to protect his crop from wild animals he has illegally connected the electricity to the fence. Hence, I do not find any grounds to impose imprisonment to the accused. Hence, I proceed to pass the following:

ORDER

Accused is sentenced to pay a fine of Rs.15,000/- (Rupees Fifteen Thousand) for the offence punishable under Section 135 of Indian Electricity (Amendment) Act. In default of payment of fine, the accused shall undergo One month Simple Imprisonment.

[Dictated to the Stenographer directly on the computer, typed by him, revised, corrected and then pronounced by me in the open Court on this the 30th day of June, 2026].

I Addl. District & Sessions Judge,
Chamarajanagara, [Sitting at Kollegala].

REGARDING COMPENSATION

PW-1 is the husband of the deceased. Deceased was doing cooli work. The fine amount is absolutely inadequate to meet the compensation to be awarded to PW-1. Since the wife of PW-1 died, he requires rehabilitation and adequate compensation. Hence, PW-1 is entitled for compensation. Under Section 396(2) of BNSS, this court can recommend the District Legal Services Authority to decide the quantum of compensation and to pay the compensation to PW1. Hence, this court is making a recommendation to the District Legal Services Authority to decide the quantum of compensation and award suitable compensation to the PW-1/Victim.

Office is directed to communicate the orders to the learned Member Secretary, District Legal Services Authority, Chamarajanagar

[Dictated to the Stenographer directly on the computer, typed by him, revised, corrected and then pronounced by me in the open Court on this the 30th day of June, 2026].

I Addl. District & Sessions Judge,
Chamarajanagara, [Sitting at Kollegala].

ANNEXURE**List of witnesses examined on behalf of the prosecution:**

PW1 : Madesh
PW2 : Nagamma
PW3 : Rajamma
PW4 : Ningaraju

PW5 : Mantya
 PW6 : Mahesh
 PW7 : Guruswamy
 PW8 : N.Surendrakumar
 PW9 : S.Shyamasundar
 PW10: Basavashetty
 PW11: Sapoon .P
 PW12: M.Raju
 PW13: N.Rangaswamy
 PW14: Sreekanta
 PW-15: Vijaykumar
 PW-16: Manohara,
 PW-17: Supreeth A.S. PSI,
 PW-18: Shivamadaiah, P.I.

List of documents marked on behalf of the prosecution:

Ex.P1 : Complaint
 Ex.P1[a to c] : Signatures
 Exs.P2 to 5 : Photographs
 Ex.P6 : Spot Mahazar
 Ex.P6[a to d] : Signatures
 Exs.P7 to 16 : Photographs
 Ex.P17 : Sketch
 Ex.P17[a & b] : Signatures
 Ex.P18 : Report of JD & Hod (CS&CD),
 Central Power Research Institute.
 Ex.P18 [a] : Signature
 Ex.P19 : RTC
 Ex.P19(a) : Signature
 Ex.P20 : Report of Deputy Electrical Inspector
 Ex.P20[a & b] : Signatures
 Ex.P21 : Copy of Log Book
 Ex.P21 [a] : Signature
 Ex.P22 : Report of AEE
 Ex.P22[a] : Signature
 Ex.P23 : Report of RI
 Ex.P23[a] : Signature
 Ex.P24 : Report of Village Accountant

Ex.P24[a]	:	Signature
Ex.P25	:	RTC
Ex.P25(a)	:	Signature
Ex.P26	:	Mahazar
Ex.P26(a & b)	:	Signatures
Ex.P27	:	Mahazar
Ex.P27(a & b)	:	Signatures
Exs.P28 to 35	:	Photographs
Ex.P37	:	DVD
Ex.P38	:	DVD
Ex.P39	:	Certificate under Sec. 63(4) (c)
Ex.P39(a)	:	Signature
Ex.P40	:	Certificate under Sec. 63(4) (c)
Ex.P40(a)	:	Signature
Ex.P41	:	F.I.R.
Ex.P41[a]	:	Signature
Ex.P42	:	Inquest Mahazar
Ex.P42[a]	:	Signature
Ex.P43	:	P.M. Report
Ex.P43[a]	:	Signature
Ex.P44	:	Medical Certificate
Ex.P44[a]	:	Signature
Ex.P45	:	RFSL Report
Ex.P45[a]	:	Signature
Ex.P46	:	Histopathology Report
Ex.P46[a]	:	Signature
Ex.P47	:	Final Opinion as to the cause of death
Ex.P47[a]	:	Signature
Ex.P48	:	Report of CHC-155
Ex.P48[a]	:	Signature

List of material objects on behalf of the Prosecution:

MO-1: Zinc wire
MO-2: 91 wooden logs
MO-3-7: Wires

List of documents marked by the Court:

Ex.C1 : 164(5) Cr.P.C., Statement of Nagamma.

Ex.C2 : 164(5) Cr.P.C., Statement of Rajamma.
Ex.C3 : 164(5) Cr.P.C., Statement of Ningaraju.
Ex.C4 : 164(5) Cr.P.C., Statement of Mantya.
Ex.C5 : 164(5) Cr.P.C., Statement of Mahesha.
Ex.C6 : 164(5) Cr.P.C., Statement of Sreekanta.

List of witnesses examined on behalf of the accused: - Nil -

List of documents marked on behalf of the accused: - Nil -

I Addl. District & Sessions Judge,
Chamarajanagara, [Sitting at Kollegala].