

The accused No. 1 to 3 are convicted for the offences punishable U/Sec. 135 of Electricity Act 2003. The final report shows that total electricity consumed by the accused 2417 units and the financial gain on account of such theft to the complainant CHESCOM is Rs.40,996/-. There is no material to say that the accused have committed offence of theft of electricity previous to present charge. It appears that they committed the offence first time and present conviction is first conviction. The total electricity consumed not exceeding 10 kilo vats. Hence, the accused are liable to impose sentence under 135 of proviso (I). As per Section 135 if electricity consumed is does not exceeding in 10 kilo vats the fine imposed first conviction shall not be less than three times the financial gain. In the case on hand the total electricity consumed is not exceeding 10 kilo vats and present conviction is first conviction. The total financial gain is Rs.40,996/- and three times of same will

Rs.1,22,988/-. There is no ground to reduce fine.

The Section 135 also provides to impose sentence of imprisonment, but same is openly in the case of first conviction and if the total consumption electricity is not exceeding 10 kilo vats. Under circumstances I inclined imposed sentence of fine only as the accused plead in guilty. Hence, they are liable to pay the three times of total financial gain claiming by the complainant CHESCOM. Consequently, they are liable to pay total fine of Rs.1,22,988/- jointly and severally. Hence, I proceed to pass the following:

ORDER

Upon conviction of accused No.1 Parameshwarappa L.S. S/o Shivashankarappa, 2. Shivashankarappa S/o Late Ningaraiah, 3. Mahadevamma W/o Parameshwarappa are herewith imposed sentence of fine of Rs.1,22,988/-.

The accused No.1 to 3 jointly and severally are liable to pay the said fine to the state

through complainant CHESCOM.

If the accused No.1 to 3 failed to pay the fine imposed by the Court the accused No.1 to 3 each shall undergo Simple Imprisonment for a period of 3 months.

I Additional District & Sessions
Judge, Mandya