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IN THE COURT OF III-ADDL. DIST. & SESSIONS JUDGE,
RAICHUR, SITTING AT SINDHANUR.

Special Case No.5046/2025

PRESENT

SRI. SOMASHEKARA A., B.A.L., LL.M.,
III ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAICHUR
SITTING AT SINDHANUR

Dated this the 14th day of July, 2026

COMPLAINANT:-

The State of Karnataka,
represented by Vigilance/
GESCOM P.S., Raichur Dist.

(By learned Spl.P.P.)

// Versus //

ACCUSED:-

1. Srinivasa, S/o.D.Ramarao, 45
years, Agriculture, R/o.Near Fish
Fond, Olaballari, Sindhanur,
Sindhanur Taluk, Raichur Dist.

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2. P.Rameshbabu, S/o.
Venkatarao, Agriculture,
R/o.Opp. Axix Bank, Ballari
Road, Sirugupla, Ballari Dist.

(By Sri M.M.R., Adv.,)

Particulars regarding date of Commission of offence, date of Report
of the occurrence, etc.,

- | | | |
|--------------------------------------|---|----------------------------------|
| 1. Date of Commission of the offence | : | 28.12.2022 |
| 2. Date of Report of Occurrence | : | 29.12.2022 |
| 3. Name of the Informant | : | Chinnappa, AEE |
| 4. Date of commencement of trial | : | 28.1.2026 |
| 5. Date of closing of trial | : | 25.2.2026 |
| 6. Offences complained of | : | 135 of Electricity Act,
2003. |
| 7. Opinion of the Judge | : | As per final order |

J U D G M E N T

The Police Inspector, Vigilance Police Station, Raichur,
submitted the charge sheet against accused Nos.1 and 2 for
the offence punishable under Section 135 of the Electricity Act,
2003.

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**2. Prosecution case;**

The case of the prosecution, in brief, is that on **28.12.2022 at about 2.00 p.m.**, the officials of the GESCOM Vigilance Squad, along with police personnel, conducted an inspection near a water pond situated at **Olaballari Village, Sindhanur Taluk**. During the inspection, they allegedly found that a **10 H.P. irrigation pump set** installed in agricultural land was drawing electricity directly and unauthorizedly from the LT distribution line without any sanctioned electrical connection.

3. It is the further case of the prosecution that accused No.1, who was allegedly present at the spot and cultivating the land, had illegally abstracted electrical energy for irrigating the paddy crop. According to the prosecution, accused No.2 was the owner of the land bearing Survey No.141 in which the pump

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set was installed. The vigilance officials disconnected the unauthorized supply, seized the service wire and smart meter under a mahazar, prepared an inspection report and assessed that **13,500 units of electricity** had been dishonestly consumed, thereby causing a loss of ₹**2,80,619/-** to GESCOM.

4. On the basis of the complaint lodged by the Assistant Executive Engineer, Vigilance Police registered a case, took up investigation, collected the relevant revenue records and other documents, and after completion of investigation filed the charge sheet against accused Nos.1 and 2 for the offence punishable under Section 135 of the Electricity Act, 2003.

5. To establish its case, the prosecution examined **five witnesses as PWs.1 to 5**, got marked **Exhibits P-1 to P-**

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13 and identified **Material Objects Nos.1 and 2.**

6. After closure of the prosecution evidence, the incriminating circumstances appearing against the accused were put to them under **Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023.** The accused denied all the incriminating circumstances and contended that they were innocent. They did not choose to adduce any defence evidence.

7. Heard the arguments of the learned Special Public Prosecutor and the learned counsel for the accused. Perused the entire oral and documentary evidence on record.

8. The following points arise for consideration:

1. Whether the prosecution proves beyond all reasonable doubt that on 28.12.2022 at about 2.00 p.m., at Olaballari Village, Sindhanur Taluk,

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accused No.1, being the cultivator of the land, and accused No.2, being the owner thereof, dishonestly abstracted electrical energy by taking unauthorized electricity supply from the LT line for operating a 10 H.P. irrigation pump set, thereby causing loss of ₹2,80,619/- to GESCOM and thereby committed an offence punishable under Section 135 of the Electricity Act, 2003?

2. What order?

9. My findings on the above points are as under:

Point No.1: In the Negative.

Point No.2: As per final order, for the following:

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**REASONS**

10. **Point No.1:** The burden is entirely upon the prosecution to establish beyond all reasonable doubt that accused Nos.1 and 2 committed theft of electricity by dishonestly abstracting electrical energy from the LT line for operating a 10 H.P. pump set installed in the agricultural land situated at Olaballari village and thereby caused wrongful loss to GESCOM to the tune of ₹2,80,619/-. To discharge this burden, the prosecution has examined PWs.1 to 5, relied upon Exs.P.1 to P.13 and identified M.Os.1 and 2. PW-1, who was working as Assistant Executive Engineer in the Vigilance Squad of GESCOM, is the complainant as well as the officer who allegedly detected the theft. He has deposed that on 28.12.2022 he, along with vigilance officials and police

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personnel, inspected the land situated at Olaballari village and found that a 10 H.P. pump set was being operated by drawing unauthorized electricity supply directly from the LT line. According to him, the illegal connection was disconnected, M.Os.1 and 2 were seized under Ex.P.1 mahazar, inspection report, assessment report and complaint were prepared and submitted to the Vigilance Police. He has further deposed that the unauthorized consumption resulted in theft of 13,500 units causing loss of ₹2,80,619/- to GESCOM. Though PW-1 has supported the prosecution in his examination-in-chief, his cross-examination discloses several material admissions which create serious doubt regarding the prosecution case. He admits that the formula adopted for arriving at the alleged theft of 13,500 units has not been mentioned either in the inspection report or

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in the complaint. He further admits that the complaint itself mentions the assessment amount as ₹2,60,619/- whereas before the Court he has spoken about an amount of ₹2,80,619/- and attempted to explain the discrepancy by stating that one amount represented the BBC charges. Such inconsistency regarding the very quantum of alleged loss remains unexplained. PW-1 has also admitted that neither the survey number of the land nor the company name, colour or other identifying particulars of the pump set have been mentioned in the complaint or mahazar. Though he states that photographs and videography were taken during inspection, admittedly no such photographs or electronic evidence have been produced before the Court. The prosecution has also failed to examine the lineman who, according to PW-1 himself,

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disconnected the alleged unauthorized connection. Such evidence would have constituted the best technical evidence regarding existence of illegal abstraction of electricity. Non-production of the photographs and non-examination of the lineman assume considerable significance.

11. The prosecution has cited PW-2 and PW-3 as independent mahazar witnesses. However, both these witnesses have completely failed to support the prosecution. They have admitted only their signatures on Exs.P.1 and P.2 and have categorically deposed that they were never taken to the spot by the police, no mahazar was conducted in their presence and no articles were seized before them. Even after obtaining permission to treat them as hostile, nothing worthwhile has been elicited in their cross-examination to

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support the prosecution version. It is a settled principle of law that the evidence of hostile witnesses is not to be rejected in toto, but in the present case there is absolutely no portion of their testimony which lends support to the prosecution regarding inspection, seizure or preparation of mahazar. Consequently, Ex.P.1 mahazar loses its evidentiary value for want of independent corroboration.

12. PW-4, who completed the investigation, has deposed that after taking over investigation he collected Aadhaar cards and RTC extracts and on the basis of revenue records filed the charge sheet against both the accused. However, during cross-examination he has candidly admitted that he never visited the spot during investigation. More importantly, he admits that he has not collected any lease

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agreement or documentary evidence to establish that accused No.1 was cultivating the land belonging to accused No.2. His entire conclusion that accused No.1 was the cultivator is based only upon the alleged statement of another witness during investigation. Such statement is not substantive evidence. He further admits that no photographs of the pump set or seized wire were collected during investigation and that the RTC extract itself does not disclose the existence of irrigation source in the land. Thus, the investigation suffers from serious lapses.

13. PW-5 is the Police Inspector who initially registered the case on the basis of the complaint lodged by PW-1. His evidence is purely formal in nature. He admits that after registering the FIR he recorded the statements of certain witnesses and thereafter was transferred without completing

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the investigation. He also admits that he never visited the scene of occurrence. Therefore, his evidence merely proves registration of the case and does not establish the alleged theft.

14. Another important aspect which cannot be ignored is that the prosecution seeks to implicate accused No.2 solely because he is stated to be the owner of the land bearing Survey No.141. However, ownership of land by itself is not sufficient to hold a person guilty under Section 135 of the Electricity Act unless there is acceptable evidence showing his conscious involvement in unauthorized abstraction of electricity. Likewise, the prosecution alleges that accused No.1 had taken the land on lease and was cultivating it, but admittedly no lease deed, cultivation agreement, revenue entry or any independent evidence has been produced to substantiate such allegation. In

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the absence of reliable evidence establishing possession and use of the pump set by accused No.1, the essential link connecting the accused with the alleged theft remains unproved.

15. The cumulative effect of the evidence on record shows that the prosecution has failed to prove the inspection through independent witnesses, failed to establish seizure of material objects by reliable evidence, failed to produce the photographs and videography allegedly taken during inspection, failed to examine the lineman who disconnected the illegal connection, failed to establish the basis of calculation of alleged theft of electricity and failed to prove either the possession of accused No.1 over the land or the involvement of accused No.2 in the alleged offence. These are not mere

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procedural irregularities but go to the very root of the prosecution case. It is a cardinal principle of criminal jurisprudence that suspicion, however strong, can never take the place of legal proof and whenever two views are possible, the one favourable to the accused must necessarily be adopted. In the present case, the evidence led by the prosecution falls far short of the standard required for recording a conviction under Section 135 of the Electricity Act. Consequently, this Court is of the considered opinion that the prosecution has failed to establish the guilt of accused Nos.1 and 2 beyond all reasonable doubt. Accordingly, they are entitled to the benefit of doubt. Hence, Point No.1 is answered in the Negative.

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16. **Point No.2:** In view of my finding on Point No.1, accused Nos.1 and 2 are entitled to acquittal. Hence, I proceed to pass the following:

ORDER

Acting under Section 248(1) of the Code of Criminal Procedure (corresponding provisions of the BNSS), accused No.1 Srinivasa and accused No.2 P. Rameshbabu are acquitted of the offence punishable under Section 135 of the Electricity Act, 2003.

The bail bonds and surety bonds executed by the accused shall stand cancelled after expiry of the appeal period.

Material Object No.1 (starter) and Material Object No.2 (service wire) shall be

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confiscated to the State/GESCOM after the appeal period, if not required in any other case.

Office is directed to communicate this judgment to the Vigilance Police Station and GESCOM.

(Dictated to the Steno Grade-I on monitor, typed by her, corrected, signed and then pronounced by me in the open court, on this the 14th day of July, 2026.)

(SOMASHEKARA A.)

III ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAICHUR
SITTING AT SINDHANUR.

ANNEXURE

LIST OF WITNESSES EXAMINED FOR PROSECUTION;

PW.1	Chinnappa
PW.2	Syed Maqbool Sab
PW.3	Nagendra
PW.4	Mahadeva
PW.5	Ratan Kumar

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**LIST OF WITNESSES EXAMINED FOR DEFENCE;****- N I L -****LIST OF DOCUMENTS MARKED FOR PROSECUTION;**

Ex.P.1	Panchanama
Ex.P.1 a to c	Signature of PW.1 to 3
Ex.P.2	Loss report
Ex.P.2 a to c	Signature of PW.1 to 3
Ex.P.4	Complaint
Ex.P.4 a	Signature of PW.1
Ex.P.5 to 12	RORs
Ex.P.13	FIR
Ex.P.13 a	Signature of PW.5

LIST OF DOCUMENTS MARKED FOR DEFENSE;**- N I L -****LIST OF MATERIAL OBJECTS MARKED;**

MO.1	Starter
MO.2	Wire

(SOMASHEKARA A.)III ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAICHUR
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