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

Special Case No.5047/2025

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, Siruguplpa, 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 prosecution case, in brief, is that on 28.12.2022 at about 5.00 p.m., the vigilance officials of GESCOM, along with police and panch witnesses, inspected a water pond situated at Olaballari Village of Sindhanur Taluk. During inspection, they allegedly found a one H.P. pump set connected directly to the LT electricity line through a hook connection without any authorized service connection.

3. It is alleged that accused No.1 was present at the spot and had illegally drawn electricity for irrigating the trees surrounding the water pond. The vigilance officials disconnected the illegal supply and seized the service wire under a mahazar.

4. According to the prosecution, the accused

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consumed 1,350 units of electricity illegally causing loss of Rs.26,884/- to GESCOM.

5. On the basis of the complaint submitted by the Assistant Executive Engineer, a criminal case was registered and after investigation charge sheet came to be filed against accused No.1 as the person cultivating the land and accused No.2 as the owner of the land.

6. After supplying copies, charge under Section 135 of the Electricity Act was framed. Both accused pleaded not guilty and claimed trial. In order to establish the charge, the prosecution examined five witnesses and relied upon Exhibits P-1 to P-13 and one material object namely M.O.1.

7. After closure of the prosecution evidence, the

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incriminating circumstances appearing against the accused were put to him in his examination under Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The accused denied all the incriminating circumstances and contended that he had been falsely implicated.

8. The accused did not choose to enter the witness box and did not adduce any defence evidence.

9. 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.

10. The following points arise for consideration:

1. Whether the prosecution proves beyond reasonable doubt that on 28.12.2022 the accused dishonestly

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abstracted electricity by
unauthorizedly hooking the LT line
and thereby committed an offence
punishable under Section 135 of the
Electricity Act?

2. What order?

11. **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:

REASONS

12. **Point No.1:** The entire prosecution case rests on the allegation that on 28.12.2022 at about 5.00 p.m., the vigilance officials of GESCOM, accompanied by police personnel and panch witnesses, inspected the land situated at

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Olaballari village and found that a one H.P. pump set installed near a water pond was drawing electricity directly from the LT line through an unauthorized hook connection, thereby causing theft of electricity to the extent of 1,350 units valued at Rs.26,884/-. In order to establish the said allegation, the prosecution has examined five witnesses, produced Exs.P.1 to P.13 and marked M.O.1, the alleged service wire used for unauthorized abstraction of electricity.

13. PW.1, who was working as Assistant Executive Engineer in GESCOM, is the complainant as well as the officer who conducted the inspection. He has deposed that on the date of the incident he, along with vigilance staff, police officials and panch witnesses, visited the spot and found a one H.P. pump set receiving electricity directly from the LT line by means of a

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hook connection. According to him, accused No.1 was present at the spot, the illegal connection was disconnected, the service wire was seized under mahazar, and thereafter he prepared the inspection report, assessment report relating to loss of energy and lodged the complaint before the police. His evidence undoubtedly supports the prosecution version. However, while appreciating his evidence, the Court cannot overlook the material admissions elicited during his cross-examination. PW.1 has admitted that the formula adopted for calculating the alleged loss of 1,350 units has not been incorporated either in the inspection report or in the assessment report. He has further admitted that the amount mentioned in the complaint differs from the amount shown in the assessment report. More importantly, he admits that the survey number of the land where

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the alleged theft was detected is not mentioned either in the complaint, the mahazar or the inspection report. He has also admitted that the company name and colour of the pump set have not been mentioned in any document, that the motor pump itself was never seized, that the measurement of the alleged service wire has not been recorded, and that though photographs and video of the inspection were taken, the same have not been produced before the Court. These omissions assume considerable importance because they relate to the very identity of the place of occurrence, the instrument allegedly used for commission of the offence and the calculation of the alleged loss. When such foundational particulars are absent from the contemporaneous records, the Court is required to scrutinize the prosecution evidence with greater caution.

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14. The prosecution sought corroboration through PW.2 and PW.3, who were cited as independent panch witnesses to the spot mahazar. However, both these witnesses have completely disowned the prosecution case. They have categorically deposed that they had merely signed certain documents in the Vigilance Office at Raichur, that they were never taken to the spot, that no seizure was effected in their presence and that they had not witnessed any illegal electricity connection. Though they were treated as hostile and extensively cross-examined by the learned Special Public Prosecutor, nothing worthwhile could be elicited to support the prosecution version. The hostility of these independent witnesses does not automatically demolish the prosecution case, but it certainly deprives the prosecution of independent

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corroboration to the evidence of the official witnesses. Consequently, the seizure mahazar at Ex.P.1 stands supported only by official witnesses.

15. It is no doubt true that conviction can be based upon the testimony of official witnesses if their evidence is found to be wholly reliable and inspires confidence. However, in the present case, the evidence of PW.1 itself suffers from material omissions and inconsistencies. When independent witnesses have failed to support the prosecution and the contemporaneous documents do not contain basic particulars such as the survey number of the land, identity of the pump set and complete particulars of the seized articles, the Court cannot ignore these deficiencies.

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16. The evidence of PW.4, who conducted the subsequent investigation and filed the charge sheet, also does not improve the prosecution case. He has deposed that during investigation he collected RTC extracts and Aadhaar cards and found that Survey No.141 stood in the name of the mother of accused No.2 and that accused No.1 was cultivating the land on oral lease. However, during cross-examination he has candidly admitted that he never visited the spot during investigation, that he did not collect any lease deed or documentary evidence showing that accused No.1 was cultivating the land, that the alleged lease was only oral, that no photographs of the pump set or the service wire were collected during investigation and that the RTC extract itself does not disclose any irrigation source. He has further admitted that

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accused No.2 is not shown as the owner in the relevant RTC. These admissions create serious doubt regarding the prosecution allegation that accused No.1 was in lawful possession of the land and that accused No.2 was liable merely because of ownership. The prosecution has thus failed to establish either possession or ownership by acceptable documentary evidence.

17. The evidence of PW.5 is confined to registration of the FIR and recording of statements during the initial stage of investigation. He admits that he never visited the scene of occurrence, that no notice was issued to the accused during investigation and that on the very same day two different cases were registered relating to lands bearing the same survey number. His evidence is merely formal in nature and does not

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furnish any independent assurance regarding the occurrence alleged by the prosecution.

18. Another significant circumstance which weakens the prosecution case is the non-production of the best available evidence. PW.1 has specifically admitted that photographs and video recording of the inspection were taken. In the present age, when electronic evidence is readily available and could have conclusively established the existence of the alleged unauthorized connection, the prosecution has not chosen to produce either the photographs, the video recording or the electronic device from which such evidence could have been proved in accordance with law. No explanation has been offered for withholding such material evidence. The Court is

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therefore justified in drawing an adverse inference against the prosecution for withholding the best evidence available.

19. Similarly, although the prosecution alleges that the pump set was being used for unauthorized abstraction of electricity, the motor pump itself has not been seized. Only a piece of service wire has been produced as M.O.1. There is no scientific or technical evidence connecting M.O.1 with the alleged theft of electricity. The absence of seizure of the motor pump and the failure to mention its make, model or identifying particulars considerably weaken the prosecution case.

20. The assessment of alleged energy loss also remains doubtful. PW.1 himself admits that the formula adopted for calculating 1,350 units has not been mentioned in the assessment report and that there is variation in the amount

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shown in the complaint and the assessment statement. In the absence of a transparent calculation supported by technical data, the Court is unable to place implicit reliance upon the assessment of loss made by the department.

21. It is a settled principle of criminal jurisprudence that the burden always lies upon the prosecution to establish the guilt of the accused beyond all reasonable doubt. The offence under Section 135 of the Electricity Act requires proof not merely of the existence of an unauthorized connection but also that such unauthorized abstraction of electricity was consciously and dishonestly made by the accused. Suspicion, however strong, cannot substitute legal proof. In the present case, the prosecution has failed to establish beyond reasonable doubt that the accused were in possession of the land, that the

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alleged pump set belonged to them, that the unauthorized connection was in fact used by them or that the alleged assessment of loss is accurate. The evidence available on record leaves several material gaps and creates reasonable doubt regarding the prosecution version.

22. Considering the cumulative effect of the hostile evidence of the independent panch witnesses, the material admissions made by PW.1, the defective investigation admitted by PW.4, the formal nature of PW.5's evidence, the non-production of photographs and video admittedly taken during inspection, the absence of documentary proof regarding possession of the land and the failure to seize the motor pump itself, this Court is of the considered opinion that the prosecution has failed to prove the charge under Section 135 of

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the Electricity Act against accused Nos.1 and 2 beyond all reasonable doubt. Consequently, the accused are entitled to the benefit of doubt. Accordingly, Point No.1 is answered in the Negative.

23. Point No.2: In view of my finding on Point No1, 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.

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

Material Object No.1 (service wire) shall be 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.

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**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

LIST OF WITNESSES EXAMINED FOR DEFENCE;

- N I L -

LIST OF DOCUMENTS MARKED FOR PROSECUTION;

Ex.P.1	Panchanamas
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

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LIST OF DOCUMENTS MARKED FOR DEFENSE;

- NIL -

LIST OF MATERIAL OBJECTS MARKED;

MO.1 Wire

(SOMASHEKARA A.)

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