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Part 'A'

(Title Page of Judgment)

(Para 44(i) of Chapter VI of Criminal Manual)

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AT : SANGAMNER,</u> <u>DIST. AHMEDNAGAR</u> <u>(Present : Vivek B. Gavhane,)</u>		
	SPECIAL CASE NO.07/2019	Exh. No.39
	Date of the Judgment :	23.03.2026
	Crime No. II-169/2018	Sangamner City Police Station,
COMPLAINANT :	The State of Maharashtra, Through : Police Station Officer, Sangamner City Police Station, Tal. Sangamner, Dist. Ahmednagar.	
Represented by :	Learned APP Shri. B.G.Kolhe	
ACCUSED	Shivaji Ramnath Abhang, Age:-45 yrs, Occu:- Agri, R/o.Indiranagar, Tal. Sangamner, Dist. Ahmednagar.	
Represented by :	Ld. Adv.P.M.Gunjil, for the accused.	

Part 'B'

(Para 44 (ii) of Chapter VI of Criminal Manual)

Date of Offence	:	20.09.2018
Date of F.I.R.	:	22.09.2018
Date of Charge-sheet	:	08.02.2019
Date of Framing of Charge	:	07.10.2021
Date of Commencement of Evidence	:	21.01.2026

Date on which Judgment is reserved :	:	--
Date of Judgment	:	23.03.2026
Date of Sentencing Order, if any	:	N.A.

ACCUSED DETAILS

Rank of the accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during trial for the purpose of Sec.428 of Cr.P.C.
1	Shivaji Ramnath Abhang	01.10.2018	01.10.2018	U/s.138 of the Indian Electricity Act.	Acquitted	--	---

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**A. Prosecution :**

RANK	NAME	NATURE OF EVIDENCE
PW 1	Vijay Nana Umap	Informant
PW 2	Keshav Sheshrao Jaybhaye	Complainant
PW 3	Rajendra Mahadeo Palve	I.O.
PW 4	Nilesh Muktaji Dhadwad	PSO

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
-	-	-

C. Court witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
-	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.**A. Prosecution :**

Sr. No.	Exhibit Number	Description
1	Exhibit P-30/PW1	FIR
2	Exhibit P-31/PW1	Panchanama
3	Exhibit P-32/PW1	Letter dated 14/10/2018

B. Defence :

Sr. No.	Exhibit Number	Description
-	-	-

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
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D. Material Objects :

Sr. No.	Material Object Number	Description
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-JUDGMENT**(Delivered on 23.03.2026)**

In the case of unauthorised interference/connection to the electricity supply of MSEDCL company .

Prosecution's case in brief ;

2] On 19/09/2018, the office of Maharashtra State Electricity Distribution Company Ltd received telephonic complaints from consumers about disruption of electricity supply at Maldad Road, Sangamner. The officers of the company observed that electricity was being supplied from the transformers and sub stations smoothly. Therefore, apprehending that something must have gone wrong at the supply line level, it's lineman, Vijay Umap who was in charge of the assistant engineer that day, went for inspection. He found two persons sitting near DP besides Jorvekar brick factory. It was observed that the AB switch of the DP had been switched off, thereby stopping further supply of electricity. He enquired with the people present over there and came to know that work of erection of electricity pole and supply of electricity to the house of Shrikant Aaglawe was being carried out by the accused. Shivaji Ramnath Abhang in front of the Maruti Temple. Hence the witness went to the said place, and found that a pole had been erected in front of the house of Mr Shrikant Aaglawe and the work of cabling across

electricity pole was being carried out by the accused Shivaji Abhag. When the witness questioned the accused about permission of the MSEDCL company for such work, instead of showing the permission, the accused insulted him and refused to stop his work. The witness Shivaji Kumar had to call the assistant engineer, who requested the accused to stop the work and the work was thus stopped. After returning from leave the assistant engineer, Mr. Keshav Jaybhay lodged a FIR against the accused on 22/09/2018.

3] An offence (CR.No.II-169/2018, under section 138 of the Indian Electricity Act) came to be registered at the Sangamner City Police Station. The investigating officer arrested the accused for interrogation, recorded statements of witnesses and upon completion of investigation, filed a charge-sheet against the accused under section 138 of the Indian Electricity Act.

4] A charge u/s 138 of Indian Electricity Act, 2003 was framed against the accused (**by my ld. Predecessor**) to which, he pleaded not guilty and claimed to be tried.

5] The prosecution examined Mr.Vijay Nana Umap(PW-1 Exh.), complainant Keshav Sheshrao Jaybhay (PW-2, Exh.), I.O. Rajendra Mahadeo Palve (PW-3, Exh.) and PSO Nilesh Muktaji Dhadwad (PW-4, Exh.). Documentary evidence in the form of the complaint (exh.30), panchnama (exh.31) and letter dated 14/11/2018 (exh.32) etc. was adduced. Evidence of the prosecution was closed vide orders below Exh.No.36. While answering the examination under Section 313 of Cr.P.C of the accused denied the

allegations, contending to have been falsely implicated.

6] The following points arise for my determination:-

Sr. No.	Points	Findings
1	Is it proved that there was an illegal and unauthorised connection/interference with the electricity supply of MSCDCL company in between the DP stationed near Jorvekar brick factory and the Maruti Temple ?	No
2	Is it proved that electricity supply was being carried/installed to the house of one Shrikant Aaglawe, in front of Maruti Temple?	No
3	Is it proved that there was no permission from the MSEDCL company for the supply of electricity to the house of Mr.Shrikant Aaglawe ?	No
4	Is it proved that the work was being carried out by the accused?	No

REASONS.

As to points No.1 to 4 :

7] For the purpose of proving the alleged tampering and interferece with the electricity supply, the prosecution first examined the lineman Vijay Umap who had discovered the alleged offence during inspection of the supply line. It has been deposed by Mr. Vijay Umap that on 19/09/2018 the Assistant Engineer Mr.Keshav Jaybhay was on leave and the witness was looking after his charge.

As complaint were received about disruption of electricity supply, the witness went for inspection of the supply line. He noticed two person sitting near the D.P. situated closed to Jorvekar brick factory. He noticed that the A.B. switch for supply of electricity, had been switched off. When he asked the persons present over there about the matter, he was told that work of supply of electricity to the house of one Shrikant Aaglawe was being carried out by the accused Shivaji Abhang. Hence, the witness went there for a reality check.

8] Upon reaching the Maruti temple, the witness found that a pole had been erected in front of the house of Mr. Shrikant Aaglawe and work of installation of electricity cable across the said pole was in progress. The accused was present over there. The witness asked the accused for permission of the company for such work. Instead of showing permission, the accused insulted the witness and refused to stop the work. The witness had to make a phone call to the assistant Engineer Keshav Jayabhaye, who made the accused stop the work.

9] It has been stated that after return of the Assistant Engineer Mr. Jaybhaye from leave, the witness and Mr. Jaybhaye went to Sangamner City Police Station where the Mr. Jaybhaye lodged a FIR.

10] While facing cross examination, the witness Vijay Umap admitted that there was no written order about assignment of charge of Assistant Engineer to him. He was unable to tell the names of the person he claimed were setting near the D.P. and who

allegedly told him that the work was carried out by the accused.

11] The informant Keshav Jayabhaye (Assistant Engineer PW-2) has stated that he was on leave at the time of the incident and that he returned on duty only on 22/09/2018. As per the witness, he received a phone call of lineman Vijay Umap on 20/09/2018, informing the witness about interference and illegal connection to the MSEB electric line by the accused Shivaji Abhang. Hence, upon resuming his duty on 22/09/20018, the witness claims, he lodged a FIR(Exh.No.39) against the accused.

12) While facing cross examination the informant admitted that he did not seize from the spot of the incident articles like electricity cable, that were allegedly used in commission of alleged offence. He admitted that the panchnama Exh.No.31 of the spot of the incident, did not bear date or time. He admitted that on 14/11/2018 (more than two months after the incident), he received a letter from the investigating officer stating that the panchnama of the spot had still not been provided to the police. He however denied the defence suggestion that a false panchnama had been prepared without recording the actual situation at the spot of the incident, after a long time of the incident.

13] Police Naik Nilesh Dhadwad(PW-4) has stated about registration of offence on the basis the FIR lodged by the informant. There is nothing much to be discussed about the version of the said witness.

14] The I.O. Rajendra Palve(PW-3) has deposed that he received FIR as well as the panchnama of the spot when he was handed over the investigation. He produced the accused before the Court. Thereafter, the I.O. directly stated that it transpired upon investigation that the accused had illegally and unauthorizely connected electric cable to the electricity supply of MSEDCL, due to which he charge-sheeted the accused.

15] while facing cross examination the I.O. stated that he had not recorded statements of people residing in the neighborhood. He did not even record statement of Mr. Shrikant Aaglawe. He admitted that he did not seize any articles from the spot of the incident but denied having filed a baseless charge-sheet against the accused.

16] It is not difficult to understand from the above discussed evidence that the informant has not seen commission the of alleged offence. He contradicts the version of the lineman Umap with regard to stopping of the unauthorized work by the accused upon his intervention through a phone call. The informant has nowhere said that he spoke to the accused on phone. This is a material inconsistency between the version of the lineman Umap and the informant.

17] It despite being a case of unauthorized electricity connection, the material used for the connection has not been seized. The panchnama is as vague as it could be. It does not even bear any particulars as to the date and time. It does not disclosed seizure of any articles from the spot of the incident.

18] FIR has been lodged on 22/09/2018 whereas, the incident as per the lineman Umap, took place on 19/09/2018. If Mr.Umap had caught the accused raid handed, he being an eye witness and also incharge of the Assistant Engineer, could have very well lodged a FIR on the same day. However, he did not do so. FIR has been lodged by the Assistant Engineer on the third day. Prosecution has not adduced any documentary evidence to show that the informant was absent from duty until 22/09/2018. It is not a co-incident that the panchnama Exh.No.31 does not bear time or date. The admission by the informant in his cross examination that even after the two months of the date of the incident, the police had not received the panchnama (Exh.No31) from the MSDCL office, shows that there was ample of scope for creation of evidence, although the I.O. has denied the delay in collection of panchnama.

19] There is no evidence about the house to which the electricity was being illegally connected. There are no photographs of the spot of the incident. There is no evidence except the bare words of the witness Umap that the illegal work was being carried out by the accused. It really is a baseless case and the deposition of the I.O. shows that there has been practically no investigation before filing of charge-sheet. I am, therefore, left with no option but to hold that the accused have not committed the alleged offence.

20] There is no muddemal property involved in the mater.

21] Given my negative finding to the points of determination, I must hold that the accused have not committed any offence as

alleged and pass the following orders.

ORDER

- (1) The accused is hereby acquitted of the offence p/u/secs.138 of the Indian Electricity Act, 2003.
- (2) The bail bonds of the accused, stand cancelled.
- (3) The accused to furnish fresh bail (P.R. bond and solvent surety) of ₹ 15,000/-, towards compliance of sec.437-A of Cr.P.C.

Pronounced in the open Court.

(The case has been tried and hereby disposed of as per the provisions of Chapter XVIII of Cr.P.C.).

Sd/-

Date :23.03.2026
Place :Sangamner.

(Vivek B. Gavhane)
Addl. Sessions Judge,
Sangamner