


MHAH070002192014 	Presented on	:	26.03.2014		
	Registered on	:	26.03.2014		
	Decided on	:	16.03.2026		
	Duration	:	Y.	M.	D.
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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.43/2014	Exh. No.41
	Date of the Judgment :	16.03.2026
	Crime No. II-21/2006	Sangamner Taluka Police Station,
COMPLAINANT :	The State of Maharashtra, Through : Police Station Officer, Sangamner Taluka Police Station, Tal. Sangamner, Dist. Ahmednagar.	
Represented by :	Learned APP Shri. B.G.Kolhe	
ACCUSED NO.1	Shankar Yashwant Dherange (Dead)	
ACCUSED NO.2	Ek Nath Baburao Karanjekar, Age:-44 yrs, Occu:- Agri, R/o.Dhumalwadi, Nandur- Khandarmal, Tal. Sangamner, Dist. Ahmednagar.	
Represented by :	Ld. Adv.G.N.Kanhore, for the accused.	

Part 'B'

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

Date of Offence	:	08.04.2006
Date of F.I.R.	:	08.04.2006
Date of Charge-sheet	:	26.03.2014

Date of Framing of Charge	: 04.01.2019
Date of Commencement of Evidence	: 12.11.2025
Date on which Judgment is reserved :	: --
Date of Judgment	: 16.03.2026
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	Eknath Baburao Karanjkar	17.04.2006	17.04.2006	U/s.135 of the Indian Electricity Act.	Acquitted	--	---

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

RANK	NAME	NATURE OF EVIDENCE
PW1	Prakash Ramchandra Shelake	Informant
PW 2	Maruti Gangaram Gabale	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-27, 28 & 29 /PW1	Panchanama
2	Exhibit P-30/PW1	Complaint
3	Exhibit P-37/PW2	Order
4	Exhibit P-38/PW1	Panchanama

B. Defence :

Sr. No.	Exhibit Number	Description
-	-	-

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
-	-	-

D. Material Objects :

Sr. No.	Material Object Number	Description
-	-	-

-J U D G M E N T

(Delivered on 16.03.2026)

In the case of theft of electricity.

The prosecution's case in brief :

2] The accused Ekanath Karanjekar had illegally hooked cable to MSEB electricity wire and illegally conducted electricity to his own house at Dhumalwadi. He was thereby illegally consuming electricity without paying its cost to the MSEDCL. On 01/12/2005, the officers of MSEDCL visited to the house of the accused and found that he had been illegally using electricity. They drew a panchnama. The officers conducted a detail inquiry about the load and consumption of electricity inside the house of the accused and made a detail report about the recovery from the accused. The accused failed to pay the charges of the electricity consumed illegally. Hence, the Deputy Engineer of the company lodged a FIR against the accused and those who had committed similar offence.

3] An offence (CR.No.II-21/2006, under section 135 of the Indian Electricity Act) came to be registered at the Sangamner Taluka Police Station. The investigating officer recorded a spot memorandum, arrested the accused for interrogation, recorded statements of witnesses and upon completion of investigation, filed a charge-sheet

against the accused under section 135 of the Indian Electricity Act.

4] A charge u/s 135 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 the informant Prakash Ramchandra Shelake and ASI Maruti Gangaram Gabale. Documentary evidence in the form of the spot panchnama (exh.27 to 29), complaint (exh.30), Order dated 08/04/2006 (exh.37), panchnama dated 08/04/2006 (exh.38) etc. was adduced. Evidence of the prosecution was closed vide orders below Exh.No.39. Statement under Section 313 of Cr.P.C of the accused was recorded vide Exh.No.40. 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 the house in issue, raided by the Officers of MSEDCL on 01/12/2005, belonged to the accused Eknath Karanjekar?	No
2	Is it proved that electricity of MSEDCL was being illegally used in the said house?	No
3	Is it proved that the accused owed to MSEDCL an amount of Rs.33,980/-?	No
4	Is it proved that the accused failed to pay the amount of Rs.33,980/- despite been given an opportunity ?	No

REASONS**As to points No.1 to 4 :**

7] Towards proving the alleged theft of electricity by the accused Eknath Karanjekar, the only eye witness examined by the prosecution is the informant/Deputy Executive Engineer Prakash Shelake (P.W.1), who has stated that on 01/12/2005 when he and his colleagues went to the house of the accused at Dhupalwadi, he noticed that there was an illegal electricity supply to the accused's house by anchoring a hook to the common electricity wire. Hence, the witness drew a panchnama in presence of the panchas. The said panchanama has been tendered in evidence at Exh.No.28. Thereafter, the witness submitted a joint inspection report (Exh.29). It has been stated that the accused did not pay the charges of the stolen electricity, due to which, the witness lodged a police complaint against the present accused as well as the other accused (deceased) who had committed similar theft. The witness claims that he lodged the FIR (Exh.30).

8] During cross examination, the witness agreed that he was not able to tell from which electricity pole exactly had the accused drawn the illegal supply of electricity. The rest of the cross examination of the witness was mere suggestion of denial.

9] Retired ASI Maruti Gabale, (PW2) has deposed that on 08/04/2006 he registered offence based on the FIR (Exh.30). That the investigation was handed over to PHC Rodage, who has already expired.

10] The prosecution has tendered in evidence, through witness Maruti Gabale, the spot panchanama Exh.No.38 which is claimed to have been drawn by the deceased I.O.Mr. Rodage. The witness identified the signature of Mr.Rodage on the spot panchamana Exh.No.35.

11] Apart from the informant and the police officer recording the FIR, no other witness has been examined by the prosecution. No panch has been examined. None of the officers of MSEB, accompanying the informant during the alleged raid, have been examined. There is no documentary evidence about ownership of the place to which electricity supply was given in an illegal manner. There is not even oral evidence about ownership of the place of the theft of electricity. The article used for commission of the alleged theft have not been tendered in evidence. There are no witnesses who could tell about illegal hook on the MSEB electricity wire. None of the neighbors of the house have appeared to depose about the unauthorized connection or about visit of the informant to the accused's house on the date of the incident. There is no independent evidence about the electricity load on the connection. There is no evidence about electrical appliances used in the house.

12] It is clear from the above discussion that sparing the vague and insufficient oral evidence of the informant, there is absolutely no material evidence about theft of electricity, about use of unauthorized electricity at some house at Ghulewadi, no evidence about connection between the place of the theft and the accused. I am, therefore, left with no option but to hold that the accused have not committed theft of electricity.

13] As per column No.14 of the charge-sheet, no muddemal has been deposited in the Court. Hence, there is no question of disposal of the muddemal.

14] 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.135 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.

Sd/-

Date :16.03.2026
Place :Sangamner.

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