

MHYA010016212019



Received on : 10/05/2019
Registered on : 15/03/2019
Decided on : 22/06/2026
Duration : 07Y 03M 07D

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, YAVATMAL,
AT YAVATMAL

(Presided over by S.U. Baghele)

Date of the judgment : **22.06.2026**

Special Case MSEB No. : **6/2019.**

Exhibit No. : **52**

Details of FIR/Crime : **FIR No.86/2016,**
and police station. : **Wadgaon Jungle police-station.**

Prosecution. : **The State of Maharashtra,**
Represented By. : **Learned A.P.P Shri. V. S. Telang,**

Accused.

- 1] **Mehul Awadhoot Badade,**
Age about 24 years,
R/o : Birsa Munda Chowk,
Lohara, Yavatmal, Tq. District Yavatmal.
- 2] **Kishor Kisan Wasnik,**
Age about 21 years,
R/o : Shrivani, Tq. Ghatanji,
District Yavatmal.
- 3] **Altamash Iqbal Khwaja,**
Age about 32 years,
R/o : Navrang Society, Yavatmal,
Tq. District Yavatmal.

Represented By. : Learned Advocate Shri S. T. Kulkarni
for the accused No.1.

Learned Advocate Shri N.N. Khilji,
for the accused Nos.2 and 3.

Date of offence. : 29.05.2016 to
30.05.2016

Date of FIR : 30.05.2016

Date of charge-sheet. : 15.03.2019

Date of Framing of charges. : 03.01.2026

Date of commencement of evidence. : 17.02.2026

Date on which judgment is reserved. : 22.06.2026

Date of the judgment. : **22.06.2026**

Date of the Sentencing Order, if any. :

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 purpose of section 428, Cr.PC.
1.	Mehul Awadhoot Badade	30/11/2016	21/02/2017	136 and 137 of the Indian Elec. Act.	--	As per final order	--
2.	Kishor Kisan Wasnik	30/11/2016	07/02/2017	As above	--	--"	--
3.	Altamash Iqbal Khwaja	06-09-2018	13/01/2022	As above	--	--"	--

A. Prosecution witnesses.

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence.</u>
Exh. No.P-26/PW1	Pundlik Bala Chavhan	Panch Witness
Exh. No.P-28/PW2	Gajanan Sitaram Dongre	Witness
Exh. No.P-32/PW3	Hemant Puranchand Kawas	Informant
Exh. No.P-35/PW4	Amol Mahadeorao Malve	I.O.
Exh. No.P-43/PW5	Hanuman Mahadeo Satre	I.O.

B. Defence witnesses, if any. : NIL

C. Court witnesses, if any. : NIL

A. Prosecution Exhibits :

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description.</u>
1	Exh. No. P-33/PW3	Report
2	Exh. No. P-34/PW3	Printed F.I.R.
3	Exh. No. P-36/PW4	Seizure Panchanama
4	Exh. No. P-37/PW4	Letter
5	Exh. No. P-44/PW5	Spot Panchanama
6	Exh. No. P-45 to 47/PW5	Arrest Panchanamas
7	Exh. Nos. P-48/PW5	Identification Panchanama
8	Exh. No. P-49/PW5	Seizure panchanama

B. Defence Exhibits. : NIL.

C. Court Exhibits. : NIL.

D. Material Objects :

Sr.No.	Material Object Number	Description
1.	Article-A	Electric wire

ORAL JUDGMENT

(Delivered on 22/06/2026)

1. The accused Nos. 1 and 2 herein have been facing the trial for the offence punishable under sections 136 of the Indian Electricity Act, 2003 (Hereinafter referred to as 'the Electricity Act' for short), whereas the accused No.3 herein has been facing the trial for the offence punishable under sections 137 of the Electricity Act.

2. The case of the prosecution, as unfolded during the trial, can be narrated, in brief, as under :-

In the night of between 01/08/2016 to 02/08/2016, in a field at Kolambi, Tq. Distt. Yavatmal, the accused Nos. 1 and 2 took away copper wire from an electric transformer, belonging to MSEDCL. They sold out the same to the accused No. 3. Upon the receipt of the information about the theft, PW No. 3 Hemant Kawas reached the spot and upon ascertaining the factual scenario as regards the theft, lodged a report with the police, on the strength of which, an offence came to the registered, vide C.R. No. 86/2016, for the offence punishable under section 136 of the Indian Electricity Act. PW No.4 PI Amol Malve enquired with the accused No.1 and 2, whereupon they disclosed that the stolen property was sold to the accused No. 3. Accordingly, the stolen property came to be recovered from the scrap

material shop of the accused No. 3 in the presence of panchas. PW No. 3 Hemant Kawas identified the said copper wire. PW No. 5 Hanuman Mahadeo Satre, PSI investigated into the crime. He recorded the statements of witnesses. He prepared a spot panchanama. He arrested the accused. He got the muddemaal identified by the informant. Upon the completion of the investigation, charge-sheet was filed against the accused before the Special Court, Yavatmal, for the offence punishable under sections 136 and 137 of the Indian Electricity Act.

3. The accused No. 1 and 2 came to be charged with the commission of the offence punishable under sections 136 of the Act, whereas the accused No. 3 came to be charged with the commission of the offence punishable under sections 137 of the Act. The contents therein were read over and explained to the accused in vernacular, whereupon they pleaded to be not guilty, and preferred to face the trial.

4. The defence taken by the accused, in their statements recorded under section 313 of the Code of Criminal Procedure, 1973 (Hereinafter 'the Cr.P.C.' for short) and the suggestions put to the witnesses examined by the prosecution, is that of total denial.

5. Looking to the rival contentions taken by the prosecution as well as the defence, the following points cropped up for my determination, and I record my findings thereon, with the reasons to follow thereunder:-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
(1)	Whether the prosecution proved that the accused Nos.1 and 2 dishonestly took away electric material, without the consent of the licensee or the owner ?	In the negative.
(2)	Whether the prosecution proved that, the accused No.3 dishonestly received the stolen electric material, knowing or having reason to believe the same to be stolen property ?	In the negative.
(3)	What order?	As per the final order

REASONS

POINT NOS. 1 AND 2. :-

6. In order to substantiate the case of the prosecution, the prosecution examined 5 witnesses, and relied upon certain documents, whereas the accused did not lead any evidence. Heard both the sides, who submitted that they may be treated to be heard and an appropriate judgment may be pronounced, on the basis of the material on the record.

7. PW No. 3 Hemant Kawas, Junior Engineer from MSEB, stated that there was the loss of electric transformer due to which, he lodged a report Exh. 33 and an FIR Exh. 34 with the police. He identified the copper wire Article-A. He admitted in his cross-examination that the wire was like a scrap material, without any

marks, due to which, it cannot be said as to whether it was from the concerned transformer or not. He denied the other adverse suggestions.

8. PW No. 4 PI Amol Malve stated that the accused Nos. 1 and 2 disclosed him about the sale of the copper wire to the accused No.3, whereupon the same was recovered from the shop of the accused No. 3, vide a seizure panchanama Exh. 36. He denied the relevant adverse suggestions, put to him in the cross-examination.

9. PW No. 2 HC Gananan Dongare stated that the copper wire was seized from the shop of the accused No. 3. He admitted in his cross-examination that there is no mark on the copper wire. He denied the other adverse suggestions.

10. PW No. 5 ASI Hanuman Satre stated that he prepared the spot panchanama Exh. 44. He got the seized muddemal identified. He denied the relevant adverse suggestions put to him in cross-examination.

11. The case is based upon circumstantial evidence. The evidence on the record is only to the extent that the copper wire from an electricity transformer was missing, and that, certain copper wire could be recovered from the accused No.3, at the instance of accused Nos. 1 and 2. However, there is absolutely no evidence on the record to establish that the seized copper wire, were the copper wires, which were stolen from the electricity transformer. Thus, there is absolutely

no evidence on the record to establish the respective guilt's of the accused persons, much less, beyond reasonable doubt.

12. In the light of the foregoing observations, I answered the point Nos.1 and 2 in the negative, and I proceed pass the following order:-

ORDER

- 1] Accused Nos. 1 and 2 are hereby acquitted of the offence punishable under sections 136 of the Indian Electricity Act and the accused 3 is hereby acquitted of the offence punishable under sections 137 of the Indian Electricity Act, vide section 235 of the Code of Criminal Procedure.
- 2] The bail bonds of the accused stand cancelled.
- 3] As the accused No.1 is in the judicial custody, it is hereby directed that he be set at liberty forthwith, unless he is required in any other case or crime.
- 4] The seized copper wire be handed over to the MSEDCL, after the lapse of period of appeal.
- 5] The accused persons shall furnish P. R. bond of Rs.15,000/-, each with one surety in the like amount, each as per the provisions of Sec. 437-A of Code of Criminal Procedure.

Yavatmal.
Date : 22/06/2026.

(S.U. Baghele)
Special Judge (MSEB),
Yavatmal.