

ORDER BELOW EXH.1
IN
SPECIAL ELECTRICITY CASE NO.107/2022

- [1] As per the directions by the Hon'ble Supreme Court, this Court has been selected for pilot case for Plea Bargaining, Probation of Offender Act, or compounding offence. Present case has been identified for compounding offence. The accused has been charged U/s. 135 of the Electricity Act, wherein the first offence has been prescribed to be compoundable offence. The present case is first offence by the accused.
- [2] Notice were issued to the accused and the complainant i.e. Paschim Gujarat Vij Co. Ltd. Both parties were present before the Court. The accused vide **Exh.2** has submitted a compromise Purshis, wherein, he has stated that **Rs.51,196/-** is outstanding to be paid to the complainant's Company and towards said amount, he has already paid **Rs.10,000/-** and requested for the installments to pay remaining amount. Against the said Purshis, the Deputy Engineer of the concerned division of the complainant i.e. Paschim Gujarat Vij Co. Ltd. has filed a Purshis at **Exh.3**, wherein it is stated that said amount if paid by the accused in installments, he does not have any objection to compromise the present offence and withdraw present criminal case against the accused.
- [3] Considering the provision of Section 154(5) of the Electricity Act, this Court can decide the civil liability independently and considering the compromise Purshis by both the parties and especially of the complainant. He has submitted that if the

accused pays the outstanding amount in installments, they are ready to compromise in the present criminal case. The accused has already paid **Rs.10,000/-** towards outstanding amount and **Rs.41,186/-** is remains to be paid and both the parties have agreed for the installments. Therefore, if **10** installments is granted, it will serve the justice and in the interest of justice, I pass the following order.

-:: **ORDER** ::-

- [1]** This criminal case is disposed of U/s.152 of the Electricity Act by compromise.
- [2]** The accused is directed to pay remaining amount of **Rs.41,186/-** in equal **10** monthly installments towards civil liability.
- [3]** On failure to pay installments by the accused, complainant's Company may file execution petition on the basis of the present decree in the Civil Court having jurisdiction.
- [4]** This order to be treated as decree.

This order pronounced in open Court today, on this 6th day of January,2023 at Morbi.

DATE: 06/01/2023
PLACE: Morbi.

[Veerat Ashok Buddha]
GJ00702
Sessions Judge,
Morbi