

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 435 of 2017**

1. Romnath Verma S/o Shri Latel Verma, aged about 45 years, R/o Village Guma, Danteshwari Chowk, Distribution Center Balodabazar, Police Station Balodabazar, District Balodabazaar Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Electricity Distribution Company Ltd. Sub - Division, Balodabazaar, District Balodabazaar-Bhatapara Chhattisgarh

---- Respondent

22/03/2017	Shri Pushpendra Kumar Patel, Advocate for the appellant. Shri Vivek Singhal, Panel Lawyer for the State/respondent. Learned counsel for the State submit that State is not respondent in the matter. They are here because Registry published the name of A.G. in the cause list. On due consideration, as the State is not respondent in the matter, Registry is directed to not to publish the name of office of A.G. Heard on admission. The instant criminal appeal has been preferred within its limitation. The criminal appeal is admitted for consideration. Record of the Court below be called for through usual mode and fax mode immediately. Learned counsel for the appellant would submit that as the Court below granted bail after the pronouncement of the judgment dated 28-02-2017 upto 30 March, 2017 only, with this, I.A.No.1/2017 for suspension of sentence and grant of bail may be heard without noticing the respondent. On due consideration, I.A.No.1/2017 heard without opportunity to hearing respondent. Learned counsel for the appellant would submit that the	



appellant held convicted by the Special Judge under the Electricity Act, 2003 (in short 'the Act, 2003), Balodabazar, C.G. in Special Criminal Case No.185/2016 vide judgment dated 28-02-2017 under Section 135A of the Act, 2003 and sentenced R.I. for 1 year and also to pay fine of Rs. 2,95,536/-, in default of payment of fine, to further undergo additional R.I. for 3 months. The accused/appellant was on bail during the trial, he had not misused the liberty and till 30 March, 2017 the trial Court enlarged him on bail. He had a good case to argue and out of fine amount awarded the appellant deposited Rs.25,000/- before the Court below. Therefore, the application may be allowed and the appellant may be released on bail by suspending the sentence awarded.

Perused the judgment dated 28-02-2017.

On due consideration, for the facts submitted and discussed in the judgment, this Court is inclined to suspend the substantive jail sentence only not the fine sentence awarded. With this, I.A.No.1/2017 is hereby allowed and the appellant is directed to deposit the entire fine amount awarded to him before the Court below and further directed that if the appellant furnishes a personal bond in the sum of Rs.25,000/- with a solvent surety of the like amount to the satisfaction of the Special Judge under the Act, 2003, Balodabazar, C.G., the trial Court, for his appearance before the said trial Court on **27-04-2017**, then only the execution of substantive jail sentence imposed upon him shall remain suspended during pendency of this criminal appeal and he shall be released on bail and thereafter, he shall continue to appear before the said trial Court on all such other subsequent dates as are given to him by the said trial Court till disposal of this criminal appeal. It is further directed that if the appellant failed to deposit the fine amount as awarded, the Court below has to serve the appellant with default part of the sentence as mentioned in para 14 of the judgment.

The trial Court is directed that in case the appellant fails to



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furnish bail bond before **27-04-2017**, then the trial Court is not required to release him on bail unless he gets the date extended which is given to him for his appearance before the trial Court by this Court.

The trial Court is further directed to intimate Registry of this Court as to whether in compliance of this Court's Order the appellant has been released on bail or not or the appellant failed to submit the bail bond, within 15 days of its compliance.

Certified copy as per rules.

The appellant is further directed to pay P.F. within 7 days from now.

Let notice be issued to the respondent through usual mode and registered mode along with copy of the instant criminal appeal and the documents annexed, returnable within four weeks.

List the matter for further hearing after service of notice to the respondent is complete and the record of the Court below is available.

Sd/-
(Chandra Bhushan Bajpai)
Judge