



2026:CGHC:12910

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 435 of 2017

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

... Appellant

versus

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

... Respondent

For Appellant	:	Mr. Pushpendra Kumar Patel, Advocate
---------------	---	--------------------------------------

For Respondent	:	Mr. Anumeh Shrivastava, Advocate
----------------	---	----------------------------------

(Hon'ble Shri Justice Arvind Kumar Verma)

Judgment on Board

18/03/2026

1. This criminal appeal preferred by the appellant under Section 374 (2) of the Code of Criminal Procedure is directed against the impugned judgment dated 28/02/2017 passed by the Special Judge (Electricity Act), Balodabazar, District Balodabazar-Bhatapara, C.G. in Special Criminal (Electricity) Case No.185/2016 whereby the appellant has been convicted and sentenced as under:-



Conviction	Sentence
Under Section 135 (A) of Electricity Act, 2003	R.I. for 01 Year and fine of Rs.2,95,536/- and in default of payment of fine 03 months additional R.I.

2. In brief, the complaint of the complainant is that on 19-03-2013, Assistant Engineer B.P. Deepak posted in Chhattisgarh Government Secondary School, Balodabazar, along with his subordinate employees, line man Shankarlal Nayak and Hemendra Kumar Banjare, went to village Guma to check electricity theft. During the checking, while inspecting the house of Romnath Verma, he found that service connection number 1001322501/72-017915709 was being used. Then he prepared the site inspection report Exhibit P.2 and its panchnama Exhibit P/1 was made. In respect of the said electricity theft, a proposed bill Exhibit P/3 amounting to Rs. 98512/- (Rupees ninety eight thousand five hundred twelve) was prepared and on being authorized by the Executive Engineer to file a complaint regarding the said electricity theft, a charge sheet was filed against the accused under Section 135 (a) of the Electricity Act 2003.
3. After reading the crime statement prepared against the accused upon being explained and heard, he denied having committed the crime and expressed his desire for trial. During the examination under Section 313 of the Code of Criminal Procedure, he answered almost all the questions with the answer of 'I don't know' or 'wrong'. He offered to give his defence and got a witness examined and gave his evidence. In his defense, he stated that he was innocent and had been falsely implicated.



The electricity department illegally demanded money from his wife in his absence, and when she refused, a false case was filed against him.

4. In this case, in support of the side of the complainant, the witnesses operator Hemendra Kumar Banjare (PW 1), lineman Shankarlal Nayak (PW 2), assistant engineer B.P. Deepak (PW 3) and on behalf of the defence, witness Chulendra Kumar Verma (DW 1) have been examined.
5. The learned trial Court after evaluating the facts & evidence convicted the accused as aforesaid. Hence this appeal.
6. Learned counsel appearing for the appellant submits that he is not pressing this appeal on merits and confining the arguments to the quantum of sentence only. He would next contend that the sentence awarded to the appellant is R.I. for 01 Year and the appellant was on bail during trial and he was granted bail by this Court on 22/03/2017 and presently also he is on bail. He would next contend that the appellant has remained in custody for a period of one day upon non-deposit of the fine amount, the appellant was taken into judicial custody by order dated 30.03.2017 for undergoing the default sentence. However, on the very next day i.e. 31.03.2017, the appellant deposited the entire remaining fine amount and complied with the directions of the Court, pursuant to which he was released. He would next contend that the appellant has deposited the entire fine amount and he placed on record the receipts of payment of fine amount. He would lastly contend that since the incident is of the year 2013 and almost 12 years have elapsed, therefore, it is prayed that the sentence awarded to appellant be reduced to the period already



undergone by him.

7. *Per contra*, learned counsel for the Respondent would submit that the judgment of the trial Court is well merited which do not call for any interference.
8. I have heard learned counsel for the parties and perused the evidence and the receipts produced by the learned counsel for the appellant with regard to payment of fine amount, the same is taken on record.
9. Upon hearing learned counsel for the parties and on perusal of the entire record of the trial Court, this Court has undertaken a re-appreciation of the evidence to examine the correctness of the impugned judgment.
10. Upon a comprehensive and independent re-appreciation of the entire oral and documentary evidence available on record, this Court proceeds to examine firstly the correctness of the finding of conviction recorded by the learned trial Court.
11. The prosecution case, is that on the relevant date the officials of the Electricity Department conducted inspection at the premises of the appellant and found that electricity was being dishonestly abstracted by bypassing the metering system. The inspection team, which included competent officials, prepared the spot inspection report and seizure memo contemporaneously at the site. The said documents were duly proved during trial by the concerned prosecution witnesses, who were examined and subjected to cross-examination at length.
12. The testimony of the prosecution witnesses, particularly the members of the inspection team, inspires confidence. Their statements remain



consistent on material particulars, namely, the manner in which the illegal abstraction of electricity was detected, the preparation of the inspection report, and the assessment of connected load. Nothing substantial has been elicited in their cross-examination so as to discredit their version or to suggest any motive for false implication. The documentary evidence, including the inspection report and assessment bill, stands duly corroborated by these witnesses.

13. It is further borne out from the record that the appellant failed to offer any plausible explanation as to how the irregular connection existed at his premises. The defence taken is either of denial or of procedural irregularity, which does not go to the root of the matter. Mere minor discrepancies or absence of independent witnesses, in the facts of the present case, do not demolish the otherwise cogent and reliable evidence led by the prosecution. The essential ingredients of the offence stand duly established.
14. The learned trial Court has meticulously appreciated the evidence and has rightly come to the conclusion that the appellant was involved in unauthorized use/theft of electricity, resulting in wrongful loss to the distribution company. This Court finds that the finding of guilt is based on proper appreciation of evidence and settled principles of criminal jurisprudence. No perversity, illegality or material irregularity is found in the impugned judgment warranting interference. Accordingly, the conviction of the appellant for the offence punishable under Section 135(A) of the Electricity Act, 2003 is affirmed.



15. Now coming to the question of sentence, this Court is required to balance the gravity of the offence with the mitigating circumstances appearing on record. It is evident that the learned trial Court has imposed a penalty which is three times the amount assessed as loss caused by the appellant. The record further reflects that the appellant has already deposited the entire assessed amount, thereby compensating the loss caused to the department.
16. It is also significant that the appellant is a first offender and there is no previous criminal antecedent attributed to him. The incident pertains to the year 2013, and there is nothing on record to suggest that the appellant has repeated any such act thereafter. Further, as has been submitted by the learned counsel for the appellant that the appellant has remained in custody for a period of one day upon non-deposit of the fine amount, the appellant was taken into judicial custody by order dated 30.03.2017 for undergoing the default sentence. However, on the very next day i.e. 31.03.2017, the appellant deposited the entire remaining fine amount and complied with the directions of the Court, pursuant to which he was released. Thus, the appellant remained in custody for a period of one day.
17. Considering the cumulative effect of these circumstances, namely, that the financial loss has already been made good, the appellant has been burdened with a penalty three times the assessed amount, he is a first-time offender, and has already undergone incarceration for a short period, this Court is of the view that the ends of justice would be adequately served by modifying the substantive sentence to the period



already undergone i.e. one day.

18. Accordingly, while maintaining the conviction of the appellant under Section 135(A) of the Electricity Act, 2003, the sentence imposed by the learned trial Court is modified to the extent that the appellant is sentenced to the period already undergone by him. The fine/penalty imposed by the trial Court, having already been deposited, is maintained.
19. Consequently, this appeal stands **allowed in part** to the extent indicated herein-above.
20. Appellant is on bail. His bail bonds shall remain operative for a period of 06 months in view of Section 437A of CrPC (now Section 481 of Bhartiya Nagrik Suraksha Sanhita, 2023).
21. The lower court record along with a copy of this judgment be sent back immediately to the trial court concerned for compliance and necessary action.

SD/-
(Arvind Kumar Verma)
JUDGE

ashu