



2026:CGHC:12982



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 782 of 2018

Hridayram Kalar S/o Chiteshwar Kalar Aged About 32
Years R/o Village Paikin, Police Station Baramkela, District-
Raigarh, Chhattisgarh.

... Appellant

versus

State Of Chhattisgarh Through The Station House Officer,
Police Station Baramkela, District- Raigarh, Chhattisgarh..

---- Respondent

For Appellant : Mr. Manoj Kumar Jaiswal, Advocate

For Respondent-State : Ms. Avelin Juneja Gambir, PL

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

18.03.2026

1. This criminal appeal has been preferred by the appellant against the judgment dated 30.04.2018 passed by learned Special Judge (Electricity Act), Raigarh, (CG) in Electricity Case No.2060000019/2016, whereby appellant stands convicted as under :-



Conviction	Sentence
U/s 138 (1)(b) of Electricity Act, 2003.	Rigorous imprisonment for 06 months and fine of Rs.3,000/-, in default to undergo additional RI for 03 months. Appellant is further directed to pay sum of Rs.87,646/- under Section 154(5) of the Electricity Act, 2003 towards the civil liability.

2. The prosecution case, in brief, is this that on account of non-payment of electricity bill, the electricity supply of appellant's premises was disconnected, despite this, on inspection by the Officers of the CSEB, it was found that on 21.09.2012, the appellant has directly connected the electricity from the electric pole and consuming electricity illegally, therefore, a complaint was made before the Police Station- Baramkela, based upon which, alleged offence/crime has been registered against the appellant. The CSEB also claimed civil damages Rs.87,646/- and prayed for the punishment to the appellant under Section 154(5) of the Electricity Act, 2003 towards the civil liability.
3. On completion of investigation, challan/charge sheet was filed against the appellant and based upon which trial Court framed the charge against him.



4. The prosecution in order to prove its case examined as many as 05 witnesses, whereas the appellant-accused in support of his defence not examined any defence witness. Statement of appellant (accused) was recorded under Section 313 of CrPC in which he denied all incriminating evidence appearing against him, pleaded innocence and false implication.
5. After hearing learned counsel for the parties and appreciating the evidence/material available on record, the trial Court vide impugned judgment convicted and sentenced the accused/appellant in the manner as described in Para-1 of this judgment. Hence this appeal.
6. Learned counsel for the appellant submits that he is not pressing this appeal on merits and is confining his arguments to the quantum of sentence only. He further submits that appellant and CSEB arrived at compromise that appellant shall pay sum of Rs.51,300/- towards the civil liability instead of Rs.87,646/- under Section 154(5) of the Electricity Act, 2003. Pursuant to which, appellant has paid sum of Rs.51,300/- on 09.05.2018 before the CSEB. Copy of deposit receipt is also placed on record. Appellant has already paid sum of Rs.3,000/- as imposed by the trial Court. There is no any previous antecedents of appellant in



similar nature, alleged incident was of the year 2012, ie, more than 13 years have elapsed. Hence, it is prayed that sentence of rigorous imprisonment for six months imposed upon the appellant by the trial Court be converted into a sentence of fine only.

7. On the other hand, learned State Counsel opposing the prayer of learned counsel for appellants, would submit that the trial Court has rightly convicted and sentenced the appellant, therefore, the impugned judgment does not call for any interference.
8. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
9. Section 138 of the Electricity Act, 2003 reads as under:

“138. Interference with meters or works of licensee.– (1) Whoever,–

(a) unauthorisedly connects any meter, indicator or apparatus with any electric line through which electricity is supplied by a licensee or disconnects the same from any such electric line; or

(b) unauthorisedly reconnects any meter, indicator or apparatus with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected; or



(c) lays or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee; or

(d) maliciously injures any meter, indicator, or apparatus belonging to a licensee or wilfully or fraudulently alters the index of any such meter, indicator or apparatus or prevents any such meter, indicator or apparatus from duly registering,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both, and, in the case of a continuing offence, with a daily fine which may extend to five hundred rupees; and if it is proved that any means exist for making such connection as is referred to in clause (a) or such re-connection as is referred to in clause (b), or such communication as is referred to in clause (c), for causing such alteration or prevention as is referred to in clause (d), and that the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, it shall be presumed, until the contrary is proved, that such connection, reconnection, communication, alteration, prevention or improper use, as the case may be, has been knowingly and wilfully caused by such consumer.

10. Though learned counsel for the appellant has not challenged the conviction of appellant and restricted his prayer only to the conversion of the sentence into a fine, but still this Court deems it appropriate to examine the



impugned judgment of the Court below. This Court has meticulously perused impugned judgment and evidence on record.

11. Perusal of impugned judgment reveals that the trial Court after elaborately considering evidence of each individual material witness, has observed that prosecution has proved its case beyond reasonable doubt against appellant herein and that being the position, this Court is of the opinion that the trial Court has not committed any mistake in arriving at a conclusion that appellant is guilty for the aforementioned offence/crime.

12. As regards the conversion of the sentence into a fine, considering the facts and circumstances of the case, particularly the period of sentence imposed by trial Court upon the appellant and provision of Section 138 of the Electricity Act, 2003, further the fact that the appellant has already paid sum of Rs.51,300/- before the CSEB towards the civil liability, he has also paid sum of Rs.3,000/- as imposed by the trial Court, there is no any previous antecedents of appellant in similar nature, alleged incident was of the year 2012, ie, more than 13 years have elapsed, this Court is of the opinion that no useful purpose would be served in sending the appellant to jail at this point of time for



undergoing the period of sentence and ends of justice would be met if the sentence awarded to the appellant is modified and converted into sentence of fine only.

13. In the result, the appeal is allowed in part. Conviction of appellant under Section 138 (1)(b) of the Electricity Act is hereby affirmed, however, sentence of rigorous imprisonment for six months imposed by the trial Court is converted into a sentence of fine, which has already paid by the appellant.

14. As per available records (page Nos.19 to 21 of memo of appeal), appellant and CSEB have amicably arrived at compromise and pursuant to which appellant has already paid sum of Rs.51,300/- before the CSEB towards the civil liability.

15. The record of the trial Court along with copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

SD/-
(Arvind Kumar Verma)
JUDGE

J/-