



2026:CGHC:9157

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 1903 of 2018**

Vicky Gupta S/o Rajendra Gupta Aged About 28 Years R/o Mahaveer
Swami Chowk, Main Road, Kawardha, District Kabirdham Chhattisgarh.,
District : Kawardha (Kabirdham), Chhattisgarh ... **Appellant(s)**

versus

1 - Chhattisgarh State Power Distribution Company Ltd. Distribution Centre,
Kawardha City Through - Manish Kumar Sahu, Junior Engineer,
Chhattisgarh State Power Distribution Company Ltd., Distribution
Kawardha City, Tahsil - Kawardha, District Kabirdham Chhattisgarh.,
District : Kawardha (Kabirdham), Chhattisgarh

---Respondent

For Appellant	:	Mr. Kanhaiya Ram Yadav, on behalf of Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. Raj Kumar Sahu, P.L.

Hon'ble Shri Justice Arvind Kumar Verma,**Judgment on Board****20.02.2026**

1. This criminal appeal has been filed under Section 374 (2) of Cr.P.C. by the appellant against the judgment of conviction and order of sentence dated 22.11.2018 passed by the learned Special Judge (Electricity Act) Kabirdham, District Kabirdham (C.G.) in Special Criminal (Electricity) Case No. 57/2015, whereby the appellant has been convicted and sentenced as follows:-



Convicted under Sections	Sentenced to
135(1) (A) of Electricity Act, 2003	Sentence up to rising of the Court with fine of Rs. 1000/- and in default of payment of fine, additional S.I. for one month.

2. The case of the complainant, in brief, is that on 28.01.2015, a vigilance inspection was conducted by the vigilance team of the Chhattisgarh State Power Distribution Company Limited, Distribution Division, Kawardha City. The vigilance team comprised Executive Engineer R.S. Sinha, Assistant Engineer Vimlesh Singh, Rikhidas Vaishnav (Attendant Grade-01), and Santu Thakur (Attendant Grade-03). On the said date at about 4:36 PM, the vigilance team inspected the premises of the accused, who was found residing as a tenant in the house of Santosh Kumar Pandey. During the inspection, it was found that in respect of the electricity connection bearing No. 1001133275 obtained by the accused, the service wire had been tampered with behind the meter board, and an additional wire along with an MCB had been installed between the phase and neutral of the service cable, thereby bypassing the meter. Due to such bypass arrangement, electricity consumption was taking place, however, the actual consumption was not being correctly recorded in the meter. The accused was thus found to be illegally using electricity for domestic purposes with a total connected load of 2840 watts. The Investigating Officer, at the spot itself, constituted the inspection team and prepared the panchnama, seizure memo, and spot map. At the time of inspection, the accused was present at the spot. From the premises, two pieces of aluminium PVC wire of 1.5 feet each, two pieces of red PVC copper wire of 2 feet each, one piece of yellow PVC copper wire measuring 5 feet, an MCB of Almek make, and the electricity bill were



seized. The signatures of the accused were obtained on the documents prepared at the spot. On the basis of the calculation sheet, the electricity authority served upon the accused a provisional assessment order imposing a provisional penalty of ₹1,18,925/- (Rupees One Lakh Eighteen Thousand Nine Hundred Twenty-Five only) and granted him seven days' time to deposit the said amount or to submit his objections. However, the accused neither submitted any objection nor deposited the assessed amount within the stipulated period. Consequently, the present complaint has been filed.

3. After the charge was framed against the accused under Section 135(1)(a) of the Electricity Act, the same was read over and explained to him. The accused pleaded not guilty and claimed to be tried. During his examination under Section 313 of the Code of Criminal Procedure, the accused, in his defence, stated that he had deposited the entire amount towards the assessed electricity loss and asserted that he is innocent.
4. The Special Judge (Electricity Act) Kabirdham, District Kabirdham (C.G.), after appreciating oral and documentary evidence available on record vide judgment dated 22.11.2018, convicted the appellant for the offence punishable under Section 135(1) (A) of Electricity Act, 2003 and sentenced him as mentioned in opening paragraph of this order.
5. The learned counsel for the appellant submits that the impugned judgment of conviction and sentence is contrary to law and facts on record and is liable to be set aside. It is contended that the prosecution has failed to establish the essential ingredients of the alleged offence beyond reasonable doubt, as there are material contradictions and omissions in the evidence of the prosecution witnesses. The alleged inspection and seizure are not supported by any independent



witness, and the mandatory procedures prescribed under the Electricity Act and the relevant regulations were not duly complied with. It is further submitted that the appellant has already deposited the entire amount assessed towards the alleged electricity loss, which itself demonstrates the absence of any mens rea and disentitles the prosecution from seeking penal consequences. The learned counsel further argues that the trial court has not properly appreciated the defence taken by the appellant in his statement under Section 313 Cr.P.C., and the findings recorded are perverse, arbitrary, and unsustainable. On these grounds, the learned counsel prays that the appeal be allowed and the appellant be acquitted of the charges levelled against him.

6. Learned State Counsel submits that the Trial Court has rightly convicted and sentenced the appellant, in which no interference is called for.
7. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
8. On careful consideration of the entire material available on record, this Court finds no substance in the contentions advanced on behalf of the appellant. The prosecution evidence, both oral and documentary, clearly establishes that a duly constituted vigilance team conducted the inspection at the premises of the appellant and detected a deliberate bypass arrangement made behind the meter board, by which electricity was consumed without being correctly recorded in the meter. The seizure of wires, MCB, and other incriminating articles from the spot has been duly proved, and the preparation of the panchnama, seizure memo, and spot map is supported by the consistent testimony of the official witnesses. Their evidence remains un-



shaken in cross-examination and inspires confidence. This Court also finds that the sentence imposed upon the appellant is lenient and proportionate, being only till the rising of the Court with a nominal fine, and therefore calls for no interference. The findings recorded by the learned Trial Court are based on proper appreciation of evidence and correct application of law and cannot be termed as perverse or arbitrary. In view of the aforesaid discussion, this Court is of the considered opinion that the impugned judgment of conviction and order of sentence do not suffer from any illegality, infirmity, or perversity warranting interference in appellate jurisdiction. The appeal, being devoid of merit, is accordingly dismissed.

9. Accordingly, the criminal appeal is **dismissed**, and the judgment of conviction and order of sentence dated **22.11.2018** passed by the learned Special Judge (Electricity Act), Kabirdham, District Kabirdham (C.G.) in Special Criminal (Electricity) Case No. 57/2015 are hereby affirmed
10. Let a copy of this order and the original records be transmitted to the trial court concerned forthwith for necessary information and compliance.

Sd/-
(Arvind Kumar Verma)
Judge