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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 123/2026 & CRL.M.A. 3515/2026**

SANJAY JHA

.....Appellant

Through: Mr. Shailesh Chandra Jha, Advocate
(DHCLSC)

versus

BSES RAJDHANI POWER LTD & ANR.

.....Respondents

Through: Mr. Rishab Raj Jain, Standing Counsel
for BSES RPL with Ms. Kirti Garg,
Advocate.
Mr. Raj Kumar, APP for the State.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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03.02.2026

CRL.M.A. 3514/2026 (exemption)

Exemption allowed subject to all just exceptions.

CRL.M.A. 3516/2026 (for condonation of delay)

1. There is reportedly delay of 46 days in filing the present appeal. The appeal has been prepared with the assistance of *Jail visiting advocate* and the appellant is stated to be in custody in connection with some other case also and continues to be behind bars.

2. Heard learned counsel for respondents also.

3. For the reasons stated in the application, the delay is condoned.

CRL.A. 123/2026, CRL.M.(BAIL) 233/2026 & CRL.M.A. 3515/2026

4. The appellant has been held guilty for commission of offence under



Section 135 of Electricity Act, 2003 *vide* order dated 08.10.2025. He has been handed out sentence of Simple Imprisonment (SI) for a period of three months along with fine of Rs.9,68,763/-. There is also an order that in default of payment of such fine, he would undergo SI for another period of six months. The order also records that since the appellant was in judicial custody from 18.11.2022 to 28.08.2025, *albeit*, in connection with some other case, he would be entitled to benefit of Section 428 Cr.P.C.

5. Let TCR be requisitioned in digitized form and once the digitized TCR is received, copy thereof be supplied by Registry to both the sides.

6. According to learned counsel for the appellant, the appellant has already undergone sufficient incarceration, and even the learned Trial Court has granted him benefit of Section 428 Cr.P.C. and, therefore, for all practical purposes, he has also served *in-default* sentence.

7. During course of arguments on suspension of sentence, copy of order passed by learned Coordinate Bench in the other appeal filed by the same appellant was shown. As per such order dated 29.01.2026, passed by the Bench presided over by Hon'ble Mr. Justice Saurabh Banerjee in CrI.A. No.106/2026, the same appellant had made a request that the sentence awarded to him in both the matters i.e. in relation with the present appeal as well as in relation to the abovesaid appeal i.e. CrI.A. No.106/2026, be directed to run concurrently.

8. The nature of allegations is almost identical and the theft of electricity is also stated to be from the same premises.

9. In view of the above, in order to avoid any conflicting orders, it will be appropriate if the present appeal is also considered by the same Bench.

10. Subject to orders of learned Judge In-charge (Criminal), list before



Bench presided over by Hon'ble Mr. Justice Saurabh Banerjee on 10.02.2026.

MANOJ JAIN, J

FEBRUARY 3, 2026

st/sa