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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 123/2026**

SANJAY JHA

.....Appellant

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

versus

BSES RAJDHANI POWER LTD & ANR.

.....Respondent

Through: Mr. Sharique Hussain and Ms. Kirti
Garg, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **23.03.2026**

CRL.M.A. 3515/2026 (*For direction that the sentence in the present case to run concurrently*)

1. By virtue of the present application under *Section 467* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the appellant seeks direction for concurrent running of the sentence awarded in the present case *vide* order on sentence dated 13.10.2025 with the sentence awarded in CT No.510/2020 registered at PS: Sangam Vihar, Delhi titled “*BSES Rajdhani Power Ltd. vs. Sanjay Jha & Anr.*” (**second case**) *vide* order on sentence dated 28.11.2025.

2. *Succinctly put*, the case canvassed by the learned counsel for the appellant is that, since the present case and second case arise out of the same transaction and pertains to the same parties, the appellant is entitled to the benefit of *Section 467 BNSS*.



3. As held in *Sharad Hiru Kolambe vs. State of Maharashtra: (2018) 18 SCC 718* and *Shyam Pal vs. Dayawati Besoya: (2016) 10 SCC 761*, it is well settled that Court's discretion to issue direction *qua* the concurrent running of sentence under *Section 467 BNSS* is limited to the substantive sentence(s). In the present case, perusal of Nominal Roll reflects that the appellant has already completed his substantive sentence in both the cases, and only the default sentence remains to be served. Thus, by way of the present application, the appellant seeks concurrent running of two default sentences, which cannot be permitted for the simple reason that if sentence or sentences awarded in default of the payment of fine are allowed to be clubbed/ directed to be run concurrently as it would obviate the need for the person so sentenced to pay fines in the subsequent cases, thereby reducing them to a singular sentence of fine, which would effectively render the very idea of imposing fine meaningless.

4. As such, in view of the aforesaid, the present application is dismissed.

CRL.M.(BAIL) 233/2026 (*Suspension of sentence*)

5. By virtue of the present application under *Section 430* of the BNSS, the appellant seeks suspension of sentence and grant of bail during the pendency of the present appeal.

6. Considering the nature of facts and circumstances involved, especially the fact that as per Nominal Roll dated 20.01.2026, the appellant had already completed his substantive sentence and only about *one month* out of the total six months in-default sentence remains to be served, as also considering that the adjudication of the present appeal is likely to take some time, the sentence imposed upon the appellant *vide*



order dated 13.10.2025 passed by learned Additional Sessions Judge, Special Court (Electricity Court), South District, Saket Courts, New Delhi in CT No.518/2019 registered at PS: Sangam Vihar, Delhi under *Section 135* of the Electricity Act, 2003, shall remain suspended till the pendency of the present appeal.

10. Accordingly, upon the appellant furnishing a personal bond in the sum of Rs.20,000/- [*Rupees Twenty Thousand Only*] and one surety of the like amount to the satisfaction of the concerned Jail Superintendent, the petitioner is directed to be released from judicial custody, if not in custody in any other case, subject to the following conditions:-

- a. In case of any changes in the residential/ permanent address, the petitioner shall inform this Court;
- b. Petitioner shall appear before this Court if, as and when directed.

11. Copy of this order be forwarded to the concerned Jail Superintendent for information and compliance

12. The present application is disposed of.

SAURABH BANERJEE, J

MARCH 23, 2026/So