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

+ CRL.A. 292/2022, CRL.M.(BAIL) 801/2022

RAMBIR SINGH

..... Appellant

Through: Mr. Harvinder Singh, Mr. Balram &
Ms. Anita Vishkarma alongwith
appellant in person.

versus

BSES RAJDHANI POWER LIMITED & ANR. Respondents

Through: Mr. Rishab Raj Jain & Mr. Sharique
Hussain, Advocates for R-1.
Ms.Manjeet Arya, APP for R-2/State

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **05.07.2022**

CRL.M.As. 12463/2022 & 12464/2022 (for exemptions)

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

CRL.A. 292/2022, CRL.M.(BAIL) 801/2022

3. This appeal under Section 156 of the Electricity Act, 2003 has been preferred against the judgement dated 23rd May, 2022 passed by the Additional District & Sessions Judge, South West District, Dwarka Courts, New Delhi, in Complaint Case No.1101/17 titled 'BSES Rajdhani Power Limited & Anr Vs. Rambir Singh'.

4. Mr. Harvinder Singh, learned counsel for the appellant, submits that the evidence produced by the respondent No.1 to substantiate the case of alleged theft is so weak and contradictory that no conviction could have been recorded against the appellant. The testimony of PW-1 in this regard has been emphasised.

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5. Mr. Rishab Raj Jain, learned counsel for the respondent No.1 appearing on advance notice, however, submits that since the appellant claims that there was no theft, it was for him to show the payment of bills which had been raised on him and that the appellant had bypassed the meter while using electricity, as a result of which, no bills were available with him. The testimony of PW-5 had been relied in this regard.
6. Let the Trial Court Record be requisitioned in digital mode before the next date of hearing.
7. In the meantime, the appellant shall deposit a sum of Rs.1,38,890/- being the civil liability under Section 154(5) of the Electricity Act before the learned Trial Court, subject to the adjustment of the amount already deposited before the Trial Court.
8. Subject to such deposit within a week, the fine of Rs.2,08,335/- shall stand suspended. The appellant who has remained on bail throughout the trial is admitted to bail pending this appeal subject to furnishing a bail bond in a sum of Rs.30,000/- and one surety in the like amount to the satisfaction of the learned Trial Court.
9. List on 14th October, 2022.
10. Copy of this order be forwarded electronically to the learned Trial Court.
11. The order be uploaded on the website forthwith.

ASHA MENON, J

JULY 5, 2022/ck