

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.49 OF 2015

B.E.S.T. Undertaking through its
Superintendent Electric Supply

...Appellant

vs.

Ekmal S/o Anis Khan and Ors.

...Respondents

Mr. Abhishek Khare a/w Mr. Rakesh Singh, Ms. Heena Shaikh i/b. M.V. Kini & Co.:	Advocate for Appellant.
Mr. Omprakash Pasi i/b. Mr. S.P. Srivastava:	Advocate for Respondent No.1.
Mr. V.N. Sagare:	APP for the State.
Mr. Ekmal S/o Anis Khan:	Respondent No.1 present.

CORAM : S. M. MODAK, J.

DATE : 3rd APRIL 2024

P. C. :-

1. It is brought to my notice in the title clause as well as in paragraph 3(ii) of order dated 7th March 2024, the name of Respondent No.1 is wrongly typed as “**Balasaheb Laxman Shinde**”. In fact, it ought to have been “**Ekmal S/o. Anis Khan**”. Learned Advocate for the Appellant is right. Let that modification be done and modified order be uploaded.

2. He submitted that in spite of the best efforts by the officers of the B.E.S.T., they are unable to find out legal representatives of the deceased Respondent No.2. It is further submitted that even otherwise, civil liability that will be determined by this Court can be enforced against the present consumer of the electricity to that premises. It is submitted that the deceased Respondent No.2, during his lifetime, has sold away the premises to new person and it is contended that as per the observations of Hon'ble Supreme Court, even if earlier consumer is no more in the occupation of the premises, civil liability can be enforced even against new consumer. This issue is kept open.

3. Let B.E.S.T. to take steps in ascertain the legal representatives of deceased Respondent No.2 as well as taking steps against new consumer.

4. Stand over to **22nd April 2024** for 'Compliance'.

[S. M. MODAK, J.]