

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

**REVISION APPLICATION NO. 159 OF 2023**

|                             |                |
|-----------------------------|----------------|
| Best Undertaking            | ...Applicant   |
| Vs.                         |                |
| Muttum Abdul Khalid And Ors | ...Respondents |

**ALONGWITH  
CRIMINAL APPLICATION NO. 694 OF 2023**

|                                                          |                |
|----------------------------------------------------------|----------------|
| Muttum Abdul Khalid                                      | ...Applicant   |
| Vs.                                                      |                |
| Best Undertaking Through<br>Its General Manager And Ors. | ...Respondents |

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Mr. Harvinder Toar a/w Mr. Rakesh Singh, Ms. Heena Shaikh i/  
by M.V. Kini and Co. - Advocate for the Applicant in REVN 159  
of 2023

Adv. Priyanka Dubey a/w Adv. Vrinda Sharma i/by Hedgehog  
and Fox LLP - Respondent in Revn 159 of 2023, Applicant in  
APL 694 of 2023

Mr. A. D. Kamkhedkar - APP for the Respondent - State  
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**CORAM : S. M. MODAK, J.**

**DATE : 17<sup>th</sup> JANUARY 2024**

**P. C. :-**

1. Learned Advocate in Criminal Application No. 694 of 2023 submitted that arguing counsel is not available today. She seeks adjournment.
2. Whereas learned Advocate for the BEST is ready to go on with the matter. When this court has taken look to the index of the Criminal Application, this Court finds that copy of the

complaint dated 16/06/2016 at Sr. No. 4 is not filed. Even neither of them filed copy of the application filed by the accused at Exh. 3 before the trial Court. Both of them have apprised me about the nature of the dispute. The Applicant-accused contends that assessment done by BEST is not proper for two reason:-

- a) The assessment cannot be for a period more than 12 months and in fact already there is report of representatives of the BEST which does not suggest theft of the electricity. This is not considered by the trial Court.
- b) Whereas BEST is aggrieved because in spite of observation that theft has taken place, the trial Court has directed to deposit the amount in the Court.

3. Before hearing the parties, let both the parties to ensure that the papers which are placed before the trial Court should be filed in this proceedings.
4. Let respective parties to file their respective documents till next date by giving copy to other side in advance.
5. Interim relief granted earlier to continue till next date.
6. Matter be kept on **21<sup>st</sup> February, 2024.**

**[S. M. MODAK, J.]**