

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1957 OF 2012  
(arising out of SLP (Crl.) No. 4735 of 2011)

ANANDRAO MADHAVRAO SHINDE	.....APPELLANT(S)	
VERSUS		
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED	.....RESPONDENT(S)	

O R D E R

Leave granted.

The appellant stands convicted under Section 135 of the Electricity Act, 2003 and sentenced to simple imprisonment for three months and a fine of Rs.500/- with the default sentence of simple imprisonment for fifteen days.

Mr. Shivaji M. Jadhav, learned counsel appearing for the appellant, did not contest the matter on merits, but tried to invoke the provision for compounding, as contained in Section 152 of the Act.

Mr. A.S. Bhasme, learned counsel appearing for the respondent-Electricity Distribution Company, submitted that at this stage the appellant should not be allowed the facility of compounding, as that would defeat the very object and purpose behind the provision.

Learned counsel pointed out that though the opportunity of compounding was available to the appellant at the initial stage, he did not take its recourse. Instead, he faced the trial at the end of which he was convicted by the trial court. He then took the matter in appeal before the High Court. He pressed his appeal on merits but finding no substance in it, the High Court dismissed the appeal. Now, faced with the prospect of going to jail and finding no way out, the appellant was invoking the provision of compounding. Mr. Bhasme submitted that allowing compounding at this stage would set a bad precedent.

We, in principle, are in agreement with the submissions made by Mr. Bhasme and are of the view that if the benefit of the compounding provision is to be taken, it should be availed of at the earliest and, in any event, before the conclusion of the trial before the trial court.

Having said that, in the overall facts and circumstances of the case, we are inclined to allow the plea of compounding if the appellant is willing to pay five times the amount of compounding fee of Rs.20,000/- as indicated in the electricity bill. The compounding, therefore, at this stage would be possible only if the appellant is willing to pay Rs.1,00,000/-. In case, the compounding fee of Rs.1,00,000/- is paid within eight weeks from today, the sentence awarded to the appellant shall be set aside failing which this order shall stand recalled and the appeal shall stand dismissed and the conviction and sentence awarded to the appellant shall remain subsisting. In that eventuality, he would be taken into custody for undergoing the sentence awarded to him by the High Court.

The appeal stands disposed of accordingly.

.....J.  
(AFTAB ALAM)

.....J.  
(RANJANA PRAKASH DESAI)

NEW DELHI,  
NOVEMBER 19, 2012.

ITEM NO.39

COURT NO.5

SECTION IIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).4735/2011

(From the judgement and order dated 27/04/2011 in CRLA No.350/2007 of  
the HIGH COURT OF BOMBAY AT AURANGABAD)

ANANDRAO MADHAVRAO SHINDE

Petitioner(s)

VERSUS

MAHARASHTRA STATE ELECTRICITY  
DISTRIBUTION COMPANY LIMITED

Respondent(s)

(With appln(s) for exemption from filing O.T., stay of arrest,  
exemption from filing c/c of the impugned order, permission to file  
additional documents, compounding the offence and office report)

Date: 19/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Mr. Shivaji M. Jadhav, Adv.

For Respondent(s)

Ms. Asha Gopalan Nair, Adv. (NP)

Mr. A.S. Bhasme, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

|(N.S.K. Kamesh)

| |(Sneh Bala Mehra)

|  
|Court Master

| |Court Master

(signed order is placed on the file)