

APHC010274712025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3521]

FRIDAY ,THE SIXTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL APPEAL NO: 350/2025

Between:

Peram Venkata Reddy

...APPELLANT

AND

The State Of Andhra Pradesh

...RESPONDENT

Counsel for the Appellant:

1.KODURU BUJJI BABU

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**CRIMINAL APPEAL NO: 350/2025****JUDGMENT:**

Criminal Appeal has been preferred under Section 374(2) of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,') challenging the conviction and sentence imposed vide judgment dated 02.05.2025 in S.C.No.148 of 2018 on the file of the Special Tribunal under Electricity Act – Cum- I Additional Sessions Judge, Guntur.

2. The Appellant/Accused was found guilty for the offence under Section 135(1)(a)(b) of the Electricity Act, 2003 (for short 'the Act') and he was sentenced to pay a fine of Rs.2,70,000/-, failing which the Appellant shall undergo simple imprisonment for a period of four months in terms of Section 235(2) of the Cr.P.C.

3. The case of the prosecution is that the Appellant was indulged in tampering the electrical meter and resorted pilferage of the energy to a tune of Rs.44,859/- in a raid conducted by the Assistant Engineer, Vigilance Department on 18.04.2018. A case was registered against the Appellant in Crime No.1095 of 2018 of APTS Police Station, Guntur. Later, on conducting thorough investigation a charge sheet was laid against the Appellant. In the course of trial, the learned Special Tribunal examined PWs.1 to 7 and marked Exs.P1 to P8 and MO.1.

4. In the evidence given by PW1- the Additional Assistant Engineer, DPE-1, Guntur, he testified that the Appellant indulged in commission of pilferage. The evidence of PW1 was corroborated by PWs.2 to 6. PW.7-

Investigating Officer after conducting investigation came to know that the Appellant had committed the offence as charged. The learned Trial Court after appreciating the evidence of the prosecution witnesses thoroughly, found the Appellant guilty. The accused could not elicit anything from the cross examination of the witnesses that he was innocent and had not committed the offence. There were no infirmities in the evidence of PWs1 to 7. There is technical evidence available against the Appellant. As the prosecution proved the guilt of the Appellant beyond reasonable doubt, the learned Trial Court rightly convicted the Appellant for the offence under Section 135(1)(a)(b) of 'the Act'.

5. With regard to the sentence, Section 135(1)(a)(b) of 'the Act', gives discretion to the learned Trial Court either to impose upto one year imprisonment or an amount of fine of Rs.5,000/-. The learned Trial Court did not sentence the Appellant to any term as imprisonment, it imposed an amount of Rs.2,70,000/- towards fine and in default of payment of that amount, the Appellant was directed to suffer simple imprisonment for four months. In a audit an amount of Rs.44,850/- was arrived at by the Power Corporation, as Appellant has indulged in power pilferage.

6. Section 135(1)(a)(b) of 'the Act' does not confer imposition of Rs.2,70,000/- towards fine. There would have been a justification on the part of the learned Trial Court, if reasonable amount was directed to be paid by the Appellant towards compensation to the Corporation. The petitioner has been in jail for the past fifteen days. He is aged about 84 years at present. If an

amount of Rs.20,000/- is directed to be paid towards compensation to the Corporation, it would meet the ends of justice. It is also submitted that the Appellant had already paid Rs.2000/- fine towards compound amount on earlier occasion. In view of the extreme old age of the Appellant and the Appellant's impoverishment in payment of huge amount as fine, it is appropriate to direct the Appellant to pay an amount of Rs.20,000/- towards compensation to the Corporation.

7. In the result, the Criminal Appeal is disposed of maintaining the conviction under Section 135(1)(a)(b) of 'the Act' setting aside the payment of fine of Rs.2,70,000/- and directing the petitioner to pay an amount of Rs.20,000/- towards compensation to the Andhra Pradesh Southern Power Distribution Company Limited, within a period of one(1) months from the date of the judgment of this Court. After the compensation of Rs.20,000/- is paid by the Appellant, the Appellant shall be released forthwith.

As a sequel, interlocutory applications, if any pending, shall stand closed.

Dr. Y. LAKSHMANA RAO, J

Dt: 16.05.2025

Note: C.C. by tomorrow
B/o.TPS

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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