



2026:DHC:3113



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

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Judgment Reserved on: 13.04.2026
Judgment pronounced on:16.04.2026

+ **CRL.A. 627/2016 & CRL.M.(BAIL) 1328/2016**

KRISHNA GUPTA

.....Appellant

Through: Mr. Sanjeev Kr. Baliyan and Ms.
Shivanshi Panwar, Advocates

versus

THE STATE

.....Respondent

Through: Mr. Utkarsh, APP for State with SI
Parveen
Mr. Abhay Kumar, Mr. Shagun Ruhil,
Mr. Shreenivash, Mr. Karan Chopra,
and Mr. Rakesh Kumar, Advocates
for Respondent No.2

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. In this appeal filed under Section 374 read with Section 482 of the Code of Criminal Procedure, 1973 (the Cr.P.C), the sole accused in SC No. 176/2015 on the file of the Additional Sessions Judge, Special Electricity Court, North-West District, Rohini, Delhi, assails the judgment dated 02.04.2016 as per which he has



been convicted for the offence punishable under Section 135 of the Electricity Act, 2003 (the Act).

2. The prosecution case is that, on 29.01.2015 at about 12:10 PM, a joint inspection team of the complainant Company, namely, NDPL/TPDDL comprising of PW3 Senior Manager, PW4 Photographer, PW5 Assistant Officer, inspected the premises of the accused, situated near Samrat Cinema, Shakurpur, near MCD Parking, Delhi and found that the accused was indulging in direct theft of electricity by illegally tapping from the LT network of TPDDL. At the time of inspection, a connected load of 10.200 KW was found being used for commercial purposes, thereby causing wrongful gain to the accused and wrongful loss to the complainant Company, thus committing an offence punishable under aforesaid Section.

2.1. As it was a case of direct theft of electricity, a theft bill was raised to the tune of ₹9,23,395/- against the accused, which was served on him. Later, Ext. PW2/A Complaint was filed



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alleging commission of the offence punishable under Section 135 of the Act.

3. Based on Ext. PW2/A Complaint, Crime No.271/2015Saraswati Vihar Police Station, that is, Ext. PW1/A FIR, was registered by PW1, Head Constable (HC). PW8, Investigating Officer conducted investigation into the crime and on completion of the same, the chargesheet/final report was submitted on 11.12.2015 before the trial court, alleging the commission of the offence punishable under the aforementioned Section.

4. When the accused was produced before the trial court, all the copies of the prosecution records were furnished to him as contemplated under Section 207 Cr.P.C. After hearing both sides, the trial court as per order dated 14.12.2015 framed a Charge for the offence punishable under Section 135 of the Act, which was read over and explained to the accused, to which he pleaded not guilty.



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5. On behalf of the prosecution, PWs.1 to 8 were examined and Ext. PW1/A-C, Ext. PW2/A, Ext. PW3/A-C, Ext. PW3/DA, Ext. PW4/A-1toA-42, Ext. PW4/B, Ext. PW6/A-B, Ext. PW7/A, Ext. PW8/A were marked in support of the case.

6. After the close of the prosecution evidence, the accused was examined under Section 313(1)(b) Cr.P.C. with respect to the incriminating circumstances appearing against him in the evidence of the prosecution. The accused denied all those circumstances and maintained his innocence. The accused submitted that he had been falsely implicated in the present case. He further submitted that three commercial electricity meters were installed in his name and that he was using electricity properly through the said authorised connections, and that no direct theft of electricity had been committed by him. It was also submitted that the officials of TPDDL had illegally demanded a sum of ₹5,000/- from him, and upon his refusal of the said demand, he has been falsely implicated in the present case.



7. The accused examined himself as DW1. Ext. DW1/1 – 1/3 were marked.

8. Upon consideration of the oral and documentary evidence on record and after hearing both sides, the trial court, *vide* the impugned judgment dated 02.04.2016 held the accused guilty of the offence punishable under Section 135 of the Act and hence sentenced him to undergo simple imprisonment for a period of six months and to pay fine of ₹5000/-, and in default of payment of fine, to undergo simple imprisonment for three days. He has also been directed to pay an amount of ₹9,23,395/-, towards civil liability. Aggrieved, the accused has preferred this appeal.

9. The learned counsel for the appellant/accused submitted that the accused was merely a rickshaw battery puller and not the owner of any shop, and that he neither owns nor is in possession of the premises or the parking area where the electricity meter in question was installed. It was contended that the alleged theft of electricity, if any, related to a meter situated in an open



parking area, which was being used by several shopkeepers, yet neither such users nor the actual owner of the premises was made an accused. It was further submitted that the inspection conducted by the team suffers from material lapses, inasmuch as the entire length of the alleged illegal wires had not been seized on the ground that the same were too long and inaccessible. Additionally, it was pointed out that although three electricity meters were present at the site, only one meter was removed during the inspection, thereby casting serious doubt on the prosecution case.

10. *Per contra*, the learned Additional Public Prosecutor appearing on behalf of the State contended that the impugned judgment does not suffer from any infirmity warranting interference by this Court, as the trial court has duly considered each and every ground raised in the present appeal. It was further submitted that the prosecution has duly established its case that the accused had dishonestly abstracted electricity.

11. Heard both sides and perused the records.



12. The only point that arises for consideration in this appeal is whether the conviction entered and sentence passed against the appellant/accused by the trial court is sustainable or not.

13. I shall briefly refer to the evidence relied on by the prosecution in support of the case. The inspection/raid in this case is alleged to have taken place on 29.01.2015 at 12:10 PM.

14. PW3, Senior Manager of the complainant Company, when examined before the trial court, deposed that on 29.01.2015, he along with PW4, PW5 and one Shyam Singh visited the spot, namely, Samrat Cinema, Shakurpur, near MCD Parking, Delhi, where they found the accused indulging in direct theft of electricity from the TPDDL LT Network, which was further connected to the internal wiring of *Tehbazari* shops and battery rickshaw charging circuit. The electricity was being used for commercial purposes and the total connected load was found to be 10.200 KW. He further deposed that A-1 to A-42 photographs of the spot were



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taken by PW5 photographer. During the inspection, one single phase meter along with a blue coloured service line wire of approximately 5 meters and PVC black coloured aluminium wire of about 82 meters were seized *vide* Ext. PW3/A seizure memo. Ext. PW3/B inspection report was prepared at the spot. Thereafter, the raiding team returned to the office and deposited the relevant documents along with the case property in the Zonal Office. PW3 identified the case property produced in Court, namely, one single phase meter along with blue colour service line cable marked as Ext. P1 (colly) and black coloured PVC wire of about 82 meters marked as Ex. P2 (colly), stating that the same were seized from the spot.

14.1. PW3, in his cross examination, admitted that the case property Ext. P2 (colly) are easily available in the open market and that the premises was situated in a *Tehbazari* market area and no public person had been called to join the inspection proceedings despite their presence at the spot. PW3 further deposed that the



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meter had not been tampered with, however, there was direct theft of electricity. They were unable to remove entire illegal wires. PW3 initially deposed that he could not recollect the name of the consumer in whose name Ex. P1 meter had been sanctioned at that time, but later deposed that it was sanctioned in the name of the accused. PW3 denied the suggestion that the case property had been planted or that the inspection was not conducted at the spot.

15. PW4, photographer deposed that on 29.01.2015, he along with PW3, PW5 and Shyam Singh visited the spot at Samrat Cinema, Shakurpur, near MCD Parking, Delhi and on the instructions of the members of the raiding team, he took forty two photographs of the spot using his digital camera. After developing the same, he handed over the photographs, which are Exts. PW4/A-1 to PW4/A-42. PW4 produced the CD containing the said photographs, which is exhibited as Ext. PW4/B. In his cross examination, PW4 deposed that they reached the spot at about 11:45 AM. PW4 denied the suggestion that he had not



accompanied the raiding team or that he had not taken the photographs at the spot.

16. PW5, Assistant officer, a member of the inspection team, when examined, fully supported the version of PW3. PW5, in his cross examination, deposed that the height of the TPDDL pole, from which direct theft of electricity was being committed, was approximately 9 meters and that the entire illegal wiring could not be seized as it was not accessible and was a dead wire. He further deposed that the stolen electricity was being used in multiple *Tehbazari* shops situated within an area of about 150 square meters, though he could not specify the exact number of such shops. PW5 also deposed that there were three electricity meters at the spot, out of which only one meter was removed and seized during the inspection.

17. PW2, HOG (CEG – Enforcement), TPDDL, deposed that on 05.02.2015, he filed Ext. PW2/A Complaint before the SHO, PS Subhash Place for registration of FIR under Section 135



of the Act against accused, on the basis of inspection conducted on 29.01.2015, wherein the accused was found indulging in direct theft of electricity. Along with Ext. PW2/A Complaint, he submitted Ext. PW3/B inspection report, Ext. PW3/A seizure memo, Ext. PW4/A-1 – A-42 forty-two photographs and PW4/B CD. In his cross examination, PW2 admitted that he had no personal knowledge of the theft of electricity and that he had not visited the spot at the time of inspection and that Ext. PW2/A Complaint was filed on the basis of documents placed before him by the members of the raiding team. He denied the suggestion that the inspection report and seizure memo were prepared in the office.

18. The accused examined himself as DW1 and deposed that two electricity meters bearing CA No. 60018588834 and 60018910954 had been installed in his name at Samrat Cinema, Shakurpur, Delhi for commercial purposes and that he was regularly paying the electricity bills. He produced photocopies of



electricity bills dated 25.01.2015, 19.12.2014, 15.01.2016, 17.01.2015 and 03.10.2015, marked as Ext. DW1/1 (colly), and also produced certain photographs marked as Ext. DW1/2 (colly). He further deposed that he never indulged in theft of electricity and that a false case had been registered against him as he refused to pay illegal gratification to the officials of TPDDL. In his cross examination, DW1 admitted that he was unable to produce receipts showing payment of Ext. DW1/1 bills. He denied the suggestion that DW1/2 (colly) photographs did not pertain to the spot or were taken from elsewhere. He further denied that he had concocted a false story to save himself from punishment or that he was found indulging in theft of electricity on the day of inspection.

19. CW1, Assistant Manager, EAC (Finance and Accounts), deposed that on the basis of the inspection conducted on 29.01.2015, he raised a direct theft bill dated 03.02.2015 for an amount of ₹9,23,395/- against the accused. CW1 further deposed that the bill was prepared as per the LDHF formula prescribed



under the Act and DERC Regulations. The total units assessed were 33,660 for a period of twelve months preceding the date of inspection, i.e., from 30.01.2014 to 29.01.2015.

20. As per Section 135(1)(a) of the Act, if any person dishonestly taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a licensee or supplier, as the case may be, so as to abstract or consume or use electricity, is liable to be punished.

21. As per the prosecution case, the inspection team of the complainant Company, namely TPDDL, comprising PW3, PW4, the photographer, PW5 and one Shyam Singh, found the accused indulging in theft of electricity by illegally tapping from the LT network of TPDDL and using the same for commercial purposes by supplying electricity to the internal wiring of *Tehbazari* shops and for charging battery rickshaws. A total connected load of 10.200 KW was found in use for the said commercial activities.



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Further, during the inspection, one single phase meter along with a blue coloured service line wire measuring approximately 5 metres and an illegal PVC black coloured aluminium wire measuring about 82 metres, found to have been used for illicit tapping, were seized *vide* Ext. PW3/A seizure memo. An inspection report, Ext. PW3/B, was also prepared at the spot, and approximately 42 photographs depicting the site, the electrical cables and the presence of the accused were taken during the course of inspection. Subsequently, Ext. CW1/A theft bill was raised to the tune of ₹ 9,23,395/- against the accused.

22. The factum of the alleged offence of electricity theft by the accused, as detected by the inspection team of the complainant Company TPDDL, stands duly proved through the testimony of PW3, the Senior Manager, and PW5, the Assistant Officer, both of whom were members of the inspection team. PW3 and PW5 have also correctly identified the articles seized during the inspection, which were allegedly used by the accused for illicit tapping from



the TPDDL network. Moreover, Ext. PW4/A to Ext. PW4/42, the photographs taken during the inspection depict the scene of inspection and the manner in which the alleged illegal tapping was carried out. The said photographs have been duly proved by PW4, the photographer, who accompanied the inspection team. Therefore, the prosecution case that the accused was indulging in theft of electricity by illegally tapping from the TPDDL line stands established on the basis of cogent, consistent and reliable evidence on record.

23. Further, a bare reading of the third proviso to Section 135 of the Act makes it evident that once abstraction or theft of electricity is proved, a presumption arises against the consumer that he has indulged in theft. Though such presumption is rebuttable, the onus lies upon the accused to establish that no theft of electricity was being committed at the premises. It was the contention of the accused that he was merely a battery rickshaw puller and not the owner or occupier of the premises. It does not



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weaken the prosecution case inasmuch as PW3 and PW4 have consistently deposed that the inspection team found him in direct theft of electricity from the TPDDL LT network, which was used for other commercial purposes, and the accused was also found present and correctly identified at the spot. PW3 further deposed in cross examination that the meter was sanctioned in the name of the accused. DW1/ Accused also admitted that two electricity meters bearing CA No. 60018588834 and 60018910954 were installed in his name at Samrat Cinema for commercial purposes. Thus, the evidence clearly connects the accused with the premises and the electricity supply, and the mere plea that the area was an open parking space or was used by several shopkeepers does not displace the direct evidence of theft from the meter and connected line. It is true that Ext. DW1/1, comprising electricity bills dated 25.01.2015, 19.12.2014, 15.01.2016, 17.01.2015 and 03.10.2015, were produced to show that the accused had obtained two commercial electricity connections from the complainant company



prior to the inspection. However, this contention does not advance the case of the defence, as the evidence on record clearly establishes that the electricity was not being drawn through the said authorised meters, but was instead being illegally tapped from the TPDDL LV line. The presence of a recharging circuit at the site, used for charging e-rickshaws through such illicit supply, further substantiates the prosecution case that the accused was indulging in theft of electricity despite having authorised connections.

24. The further contention that the inspection was defective because the entire illegal wire was not seized and only one of three meters was removed is also without merit. PW5 deposed that the complete illegal wires were not seized because they were not accessible and were dead wires, and that the height of the TPDDL pole was about 9 metres. PW5 also clarified that the stolen electricity was being used in the *tehbazari* shops and that only one meter was removed at the spot. In a case of direct theft, the



prosecution is not required to seize each and every wire or all existing meters if the inspection team has otherwise proved the source of theft, the connected load, the photographs, the seizure memo, and the inspection report. Also, the case on hand is dealt with an offence of illegal tapping from the complainant Company LT network and not of tampering the electrical meter to do illegal consumption. Also, the allegation that officials of the complainant Company demanded illegal gratification of ₹5,000/- does not inspire confidence, as it is neither supported by any plausible reason for such demand nor substantiated by any cogent evidence on record. Therefore, no material evidence has been brought on record to show that the accused was not illegally tapping from the TPDDL line or that he was not the person dishonestly abstracting electricity for purposes such as supplying it to nearby shops or for charging battery rickshaws. Nothing was also brought out to discredit the testimony of the prosecution witnesses and, therefore, I find no reason(s) to disbelieve their version.



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25. That being the position, I find no infirmity in the findings of the trial court warranting an interference by this Court.

26. In the result, the appeal sans merit is dismissed.

27. Application(s), if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

APRIL 16, 2026

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