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Jail for power theft

South Delhi land lord & Tenant sentenced to 3 yrs RI, penalised Rs 25 lakh

East Delhi factory owner sentenced to 1 yr jail, penalised Rs 12 lakh

In two separated cases, three people, including a 'landlord –tenant' duo in Tughlakabad (South Delhi) and a factory owner in Kalyanpuri (East Delhi) have been convicted for power theft by the Special Courts of Electricity, Saket and Karkardooma respectively and sent to jail.

In the first case, the Special Court of Electricity, Saket, convicted both the landlord (Keshav Dev) and his tenant (Mukhtar @ Mukarram) for stealing over 27 KW of electricity for commercial purposes in Tughlagabad and sentenced them to 3 years of Rigorous Imprisonment (RI) each for the offence u/s135 and 150 of Electricity Act.2003. They were also penalized Rs 25 lakh (Fine Rs 15.5 lakh + Civil Liability of Rs 10 lakh). In case of default in payment of fine, they will have to undergo further 6 months of Simple Imprisonment (SI).

In the second case, a resident of Kalyanpuri (Mukesh Kumar) in East Delhi has been sentenced by the Special Court of Electricity, Karkardooma, to a Simple Imprisonment of 1 year and penalized Rs 12.7 lakh for stealing electricity under section 154(5) of the Electricity act.

Case of Tughlakabad 'land lord – tenant' duo: 3 years RI + Rs 25 lakh penalty

While awarding the 3 years RI, the order of the Addl Sessions Judge, Special Court of Electricity, Saket, Mr Rakesh Tiwari, says, ".....I am of the considered opinion that this is an economic offence wherein the society as a whole is the victim and the honest payer of electricity charges are the sufferers on account of the proved conduct of the convict. Such convicts are getting unearned benefit at the costs of others and as such, they deserve no leniency"

"Accordingly, the convict Keshav Dev is sentenced for RI for a period of three years for the offence U/sec. 135 r/w Section 150 and convict Mohd. Mukhram @ Mukarram is sentenced for RI for a period of three years for the offence U/sec. 135 of the Electricity Act, 2003"

On imposition of the fine, the Order says, ".....Accordingly, the convicts are directed to pay fine of Rs.15,52,532/. In default of fine, convicts shall further undergo SI for a period of six months"

On imposition of the civil liability, the order says, ".....Thus, I am of the considered opinion that convicts have failed to discharge their onus that they were not using the energy for preceding 12 months, they are directed to pay the amount of the theft bill No.AGENR120520110019AO, Rs.11, 12,648/and excluding the electricity tax and fixed charges, which comes to Rs.10, 35,021/towards their civil liability"

History

In December 2011, power-theft of over 27 KW was taking place at 415 / 11 Tughlakabad through a fake meter. A power-theft bill of Rs 11 lakh was issued. The accused did not pay the fine within the stipulated time and pleaded not guilty and had claimed trial.

Case of Kalyanpuri factory owner: 1 year SI + Rs 12.7 lakh fine

While awarding the Simple Imprisonment of 1 year, the order of the Addl Sessions Judge, Special Court of Electricity, Karkardooma, Dr Shahabuddin says, “.....As per the provisions of section 135 of the Act, the offence of theft of electricity in such like cases is punishable with imprisonment for a term which may extend to three years or with fine or with both”

“The convict was found committing direct theft of electricity without any justified reasons for industrial purposes. In my considered view, it is a serious offence of theft of electricity committed by the convict”

“He is also reportedly not involved in any other criminal case at present, except the present one. In view of the above mentioned reasons, I take a lenient view against the convict on point of sentence and I consider it appropriate to sentence the convict to simple imprisonment for a period of one year only”

“....the civil liability of the convict is determined for Rs. 12, 76,809/- (rupees twelve lakhs, seventy six thousand, eight hundred and nine). Admittedly, the convict side has already made payment of Rs. 1,00,000/- (rupees one lakh) out of the above mentioned theft bill to the complainant company on 16.08.2007 and this amount to be adjusted as per rules in future against civil liability amount”

History

In 2007, Mukesh Kumar was caught stealing over 16 KW of electricity for industrial purposes. According to the regulations, a penalty of Rs 15.96 lakh was imposed on the accused. The accused only paid Rs 1 lakh and refused to pay the balance amount. When the accused did not pay the same within the stipulated time-frame, a case was filed.
