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Press Release

Three persons, including a mother-son duo and a restaurant owner, convicted for power-theft

Son sentenced to One year in Jail including imprisonment for impersonating as a tenant

New Delhi: The judiciary continues to come-down hard on power-theft. In two separate instances, three persons, including a mother-son duo from East Delhi and a South Delhi restaurant owner, have been convicted for power-theft.

In the East Delhi case, the mother-son duo, residents of Shashi Garden (Mayur Vihar 1) have been convicted of stealing electricity. Besides penalties (fines + civil liability) of around Rs 2.70 lakh, they have also been awarded Simple Imprisonment (SI) of varying durations. While the son (Sanjeev Jain) has been awarded a Jail term of one-year, his mother (Uma Jain) of six-months. In the second case, the South Delhi restaurant owner has been penalised over Rs 6 lakh and sentenced till rising of the Court.

East Delhi Case

A BSES inspection team, accompanied by Delhi Police personnel, in 2011 had found electricity theft by-passing the electricity meter. A power-theft bill raised was not paid by the accused. Subsequently a FIR (No 1089 / 2014) was filed against the duo at the Pandav Nagar Police Station, followed by a case in a Special Court of Electricity. In his defence, Sanjeev Jain presented himself as a tenant by the name of one Rajesh Jain.

Special Court Order

The order of Special Court of Electricity, Karkardooma says, *“.....Accordingly, both the accused persons Uma Jain and Sanjeev Jain @ Rajesh Jain are held guilty and convicted for the offence punishable u/s 135 of the Electricity Act and are also held liable for the civil liabilities for using electricity illegally for industrial purpose under section 154(5) of the Electricity Act”*

Sanjeev Jain was further held guilty of impersonation. *“In addition to that accused Sanjeev Jain is held guilty and convicted for the offence punishable u/s 416 r/w Sec. 419 of I.P.C. for cheating by personation as Rajesh Jain”*While sentencing Sanjeev Jain, the Court Order say, *“.....Moreover, convict Sanjeev Jain impersonated himself as Rajesh Jain with a view to cheat and avoid prosecution. Throughout the trial the convict has not shown any remorse instead he started making allegations of different natures against the Court, the IOs and whosoever have*

been involved/associated in the investigation/prosecution of the case..... Thus, there is no reason to take any lenient view”

“Accordingly, the interest of justice shall be served particularly considering the age of the convict, by directing the convict as under: (I) to undergo SI for a period of one year for offence punishable u/s 135 of Electricity Act”’ The convict Sanjeev Jain was also “directed to pay fine of Rs.1, 00,821” and in “default of payment of fine”, he has to “undergo SI for a period of one month” .

(II) For impersonation, the accused was directed to “undergo SI for a period of six months for the offence punishable u/s 419 of I.P.C. and a fine of Rs.10,000/-. In default of payment affine, convict shall further undergo S.1. for a period of 15 days”. Both the sentences are to run concurrently.

The Court sentenced Uma Jain a SI of six months. The order says, “To undergo SI for a period of six months for offence punishable u/s 135 of Electricity Act. Like her son, “convict Uma Jain is directed to pay fine of *RS.1,00,821/-*. In default of payment of fine, the convict shall further undergo SI for a period of one month. In both the cases, sentence of imprisonment has been suspended till 06.07.2019 subject to furnishing a personal bond by convicts in a sum of *Rs.10,000/ each* - and surety in the like amounts.

Additionally, the mother-son duo has also been asked to pay a civil liability. The Court order said, “As the convicts have failed to discharge their onus that they were not using the energy from last one year, hence, they are directed to pay an amount of *Rs.67, 214/-* as civil liability against the theft bill.

South Delhi Case

A South Delhi restaurant owner (Mickey Tewatia) has been convicted by the Special Court of Electricity, Saket for stealing electricity for non-domestic purposes. The accused was running a restaurant on IGNOU Road, near Anupam Apartments in South Delhi, where the second the third floor did not have metered electricity.

When he did not pay the electricity bill of Rs 2.87 lakh, a FIR was registered against him vide FIR number 485 /15. He claimed innocence and in his defence said, he was using a generator a claim he could not back-up with any evidence.

He was sentenced till rising-of the Court and penalised Rs 6 lakh (Fine Rs 4.31 lakh + Rs 1.75 Civil Liability). In default of the fine, he will undergo SI for a period of one-month.

The order says, “...it is clear that Mickey Tewatia has miserably failed to show any probable defence in his favour....I am of the considered opinion that the prosecution has been successful

in proving the case beyond reasonable doubt and accordingly he is held guilty under Section 135 of the Electricity Act 2003, and is convicted”.

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