

**IN HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY ,THE THIRD DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 476 OF 2023

Criminal Appeal Under Section 378 (4) (5) & (1) Cr.P.C against the Judgment Dated 08/07/2010 in C.C.No. 554 of 2007 on the file of the Court of the III Metropolitan Magistrate, Cyberabad at L.B.Nagar, Rangareddy District.

Between:

The State through Inspector, Vigilance and APTS, represented by the Public Prosecutor, High Court of A.P., Hyderabad

...APPELLANT/PETITIONER

AND

1. Singirikonda Anjaiah, s/o Ramulu, age 42 years, Occ- Business and Partner of M/s. Raghavendra Industries Lessee of M/s. Sri Rama Modern Rice Mill, Ramanthapur, Hyderabad
2. Kasam Yadagiri, s/o Somaiah age 40 years, Occ- Managing Partner of M/s. Raghavendra Industries and lessee of M/s. Sree Rama Rice Mill, Ramanthapur, Hyderabad

...RESPONDENTS/ACCUSED

Counsel for the Appellant :SRI. PUBLIC PROSECUTOR

Counsel for the Respondents: NONE APPEARED

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.476 OF 2023

JUDGMENT:

This Criminal Appeal is filed under Section 378 (4, 5 & 1) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') against the judgment dated 08.07.2010 passed in C.C.No.554 of 2007 by the learned III Metropolitan Magistrate, Cyberabad at L.B. Nagar, Ranga Reddy District and convict the respondents - accused.

2. Heard. Perused the record.
3. The case of the prosecution is that on 15.11.1995, PW1 – *de facto* complainant inspected the service connection No.3565 installed at M/s. Rarna Modern Rice Mill situated at Ramanthapur and found that the respondents who are the Managing partners of Rice Mill indulged in pilferage of energy by tampering the meters with a deceitful intention of illegal gain and caused loss of revenue to the Board for Rs.8,69,361/- by suppressing actual consumption, for which reason, a complaint was filed by him against the respondents – accused for the offence punishable under Section 39 and 44(c) of Indian Electricity Act.
4. The learned Magistrate found that the Investigating Officer viz., Sri G.Narsimha Reddy who investigated the case was not examined by the prosecution. PW1 who inspected the premises did not compare the

packing seals with the original seals and was not able to conclusively state that the meters were subjected to tampering. Though an opportunity was given by him, prosecution failed to examine the important witnesses.

5. In the absence of direct evidence, the learned Magistrate has no other option, except to dismiss the complaint and acquit the respondents-accused. It is for the *de facto* complainant to prove beyond reasonable doubt that theft of energy was committed by tampering the meter. But, there is no such evidence brought on record. Therefore, the findings of the learned Magistrate cannot be found fault with and there are no grounds to interfere with the judgment passed by the learned Magistrate and the present appeal is liable to be dismissed.

6. Accordingly, the Criminal Appeal is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- CH. VENKATESWARLU
DEPUTY REGISTRAR

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SECTION OFFICER

To,

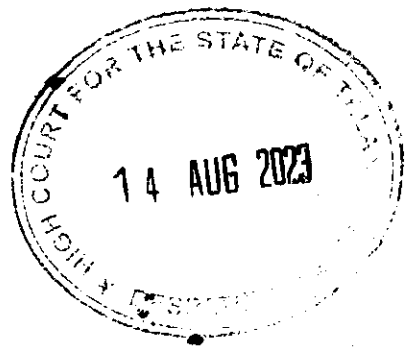
1. The III Metropolitan Magistrate, Cyberabad at L.B.Nagar, Rangareddy District. (with records)
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad(OUT).
3. Two CD Copies

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Pma.

HIGH COURT

DATED:03/07/2023



JUDGMENT

CRLA.No.476 of 2023

Crl.A IS ALLOWED

⑥ PMG.
1/8/23.