

In the Court of Ranjeev Kumar,PCS,
Chief Judicial Magistrate, Ludhiana.

Crl. cs. no. 187 of 2015
Date of instt. 02.09.2015.
CHA no.20952015
Date of decision:- 06.10.2015.

State Versus **Sandeep Singh @ Machhar** son of
Balwinder Singh resident of street no.8,
Mohalla Fateh Singh Nagar Daba Road
Ludhiana

FIR no.81 of 21.02.2015.
u/s 379 & 411 of IPC.
P.S. Focal Point, Ludhiana.

Present Sh.Rajbir Singh. APP for the state.
Accused Sandeep Singh is in custody with counsel .

Judgment :-

SHO, P.S. Focal Point, Ludhiana has sent up the above
named accused to face trial for the offence punishable u/s 379 & 411 of
IPC.

2. Briefly stated the facts of prosecution case are that on
21.2.2015 in the area of P.S. Focal Point, Ludhiana, both the above named
accused dishonestly retained Motor cycle Make Hero Honda bearing
registration no. PB10CK 6068 having reasons to believe the same to be a
stolen property. During investigation, accused were arrested, memo was
prepared, statements of witnesses were recorded and after completion of
inquiry, present complaint against the accused was presented in the court.

3. On presentation of complaint, copies of documents as
required under 207 Cr.P.C were supplied to accused free of costs.

4. During the pendency of the case, Sandeep Singh accused

requested the court to record his confession. Accused is given statutory warnings, acquainted with the allegations in the complaint against him and the implications of his confession. It is clarified to them that he is not bound to make any confession and if any confession is made by him then it will be used against him as piece of evidence which may lead to his conviction and sentence. Court has also intensively questioned him as to whether he is making confession under any threat, coercion, inducement, illegal promise etc if any. But accused is consistent that he is to confess his guilt without any pressure and coercion. Court is also satisfied that the confession is voluntary and free from any coercion or inducement.

5. From the perusal of report under section 173 of Cr.P.C, documents attached thereto and statements of witnesses, there is a prima facie case to frame charge upon the accused for the commission of offence punishable u/s 411 of IPC. Accordingly, charge under section 411 of IPC has been framed upon the accused Sandeep Singh, to which, pleaded guilty and does not claim trial.

6. On the basis of confession made by the accused recorded separately while framing charge upon him, the accused is hereby held guilty and is hereby convicted for the offence punishable u/s 411 of IPC.

Let the convict Sandeep Singh be heard on question of sentence.

**Pronounced in open court
on: 6th October 2015**

**Ranjeev Kumar Vishisht
Chief Judicial Magistrate
Ludhiana.**

Order on question of sentence

Present: Sh.Rajbir Singh APP for the state.

Convict in custody with counsel.

7. This court has heard the convict and Ld.APP for the state.

This court has also taken into consideration the age, personal antecedents and other circumstances of convict besides nature of offence. Police papers do not reveal that he has got any criminal record behind him. Convict stated that he is a poor person and is sole bread winner of the family. Therefore, lenient view may be taken while passing the sentence against him..

8. Considered. Keeping in view the facts and circumstances as stated by the convict, this court is of the considered view that the convict required to be sentence adequately. The convict is in custody since 23.02.2015. therefore the ends of justice would be served in case the convict is hereby sentenced to undergo rigorous imprisonment for the period of seven months. The period of dentention that the confict has already suffered be set off against the period of substantive sentence passed herewith. There is no order as to payment of fine . One copy of judgment be supplied to the convict free of cost immediately.

**Pronounced in open court
on: 6th October 2015**

**Ranjeev Kumar Vishisht
Chief Judicial Magistrate
Ludhiana.**