

02.09.2024

Present: Mr. Akash Chaturvedi, Ld. APP for the State.
Accused MOHD ISHA KHAN is present.

Pre Lok Adalat Sitting

At this stage, accused has filed an application seeking Plea Bargaining of offence u/s 188 IPC. As per affidavit of the accused, he is not previously convicted for the same offence.

Ld APP accepts the notice on behalf of the State.

Heard. Perused the record.

After examining the accused, this court is satisfied that the application for Plea Bargaining has been filed by the accused voluntarily and without any pressure and coercion. Accused has understood the nature of accusation of charges against him and also the nature and extent of punishment under the law.

Accused, Ld APP for State and IO after having meeting to enter a satisfactory disposition of the case have reported to the court that a satisfactory disposition of the case has been worked out between the parties, wherein accused voluntarily agrees to plead guilty for offence u/s 188 IPC and Ld APP for State has raised no objection for the same with a prayer that the accused may be dealt as per law. Separate statement of parties recorded to this effect.

ORDER

Having heard the parties and the Ld. APP for the State, I find that the disposition worked out mutually by the parties is fair and just and worked out voluntarily. The affidavit of accused in place of previous conviction report has been filed today.

The accused has admitted his guilt and wants to avail the benefit of Chapter 21-A of Cr.P.C by Plea Bargaining, I am prima-facie satisfied that the charge against him is well-founded.

In view of plea of guilt made by the accused, he/she is convicted for the

offence u/s 188 IPC.

ORDER ON SENTENCE

Arguments heard on the point of sentencing. Record perused.

It is submitted by the convict that he is a first time offender and is the sole bread earner in his family. Convict has prayed for a lenient view.

On the other hand, Ld. APP for the State has submitted that the convict be sentence to maximum punishment as prescribed for the offence in question.

In view of the submissions advance and also keeping in view the character and clean previous antecedents of the convict, a lenient view is taken and convict is admonished u/s 3 of the Probation of Offenders Act, 1958. The convict accordingly is released after due admonition for the offence u/s 188 IPC. Convict is warned to be careful in future.

It is pertinent to observe that the convict shall be entitled to the benefit u/s 13 of the Probation of the offender Act and no disqualification shall be attached with the conviction as the convict has been admonished in the instant matter.

Copy of this judgment be given to the parties free of cost. Accused is sentence today itself as it would not be in the interest of the stake holders and the convict to appear again physically on the day scheduled for Lok Adalt. The matter has then been referred to the upcoming Lok Adalat scheduled to be held on 14.09.2024.

Put up on **14.09.2024** before Lok Adalat for disposal.

(Chhavi Bansal)

JMFC-11/South-East/Saket/02.09.2024