

**IN THE COURT OF DAMANDEEP KAMAL HEERA,PCS,
JUDICIAL MAGISTRATE IST CLASS, JALANDHAR
(UID NO.PB0416)**

CIS No. 1640/2020
CNR No.PBJL030103212020
Date of Instt:18.07.2020
Date of Decision: 15.12.2020

State	Versus	Aman Grover son of Sat Pal, resident of House No.566, Greater Kailash, Police Station Division No.1, Jalandhar.
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.....Accused.

FIR No. 46 dated 22.04.2020
U/s 188 IPC.
P.S.Basti Bawa Khel, Jalandhar

Present: Ld. A.P.P for the State
Accused on bail with counsel.

JUDGMENT:

1. The accused has been forwarded by the Officer In-charge, Police Station Basti Bawa Khel, Jalandhar before this court to stand his trial for the commission of offence under section 188 of IPC, in the above noted case.
2. Briefly put, the facts of the present case are that on 22.03.2020 ASI Sukhdev Chand alongwith Constable Amandeep Singh, Constable Sangeet Shergill and Constable Sonu were on patrolling duty in order to implement the orders bearing No.890 dated 20.03.2020 passed by Deputy Commissioner, Jalandhar. The accused was found violating the

orders passed by Deputy Commissioner by opening his Dhaba and several persons were eating the food in the Dhaba during curfew imposed due to Covid-19. The ruqa was sent through Constable Sonu for registration of the case. After registration of the case, formal investigation were initiated. Site plan was prepared and statement of witnesses were recorded. The accused was arrested. Thereafter, investigation was ensued and on completion of investigation, challan was presented against the accused under section 188 of the Indian Penal Code.

3. On appearance of the accused in the court, copies of all the documents along with the report relied upon by the prosecution, were supplied to him as per mandatory requirement of section 207 Code of Criminal Procedure 1908, against separate statement recorded of the accused.

4. Thereafter, notice of accusation under section 188 of IPC was served to the accused vide charge sheet dated 15.12.2020, to which he pleaded guilty and did not claim trial.

5. The confessional statement of accused was recorded in which he has stated that he admit his guilt and want to confess. As he is a poor person and unable to contest the case, so lenient view may kindly be taken against him. He confess his guilt without any influence or pressure from any quarter.

6. Although, Hon'ble Kerala High Court has held in case **Santosh Vs State of Kerala 2003 (3) RCR (Criminal) 133** that” no

doubt there is no specific provision in the Cr.P.C., enabling the court to permit an accused to withdraw his claim to be tried and convict him on a plea of guilty subsequently. But as contended by the learned counsel for the petitioner, there is also no prohibition in the Cr.P.C. to record the plea of guilty in the course of trial and convict the accused on his subsequent admission of guilt. The object of the trial is to investigate the offence and to find out the truth. When the guilt is admitted by the accused and the admission is found to be voluntary given, there is no reason why the court should not allow him to withdraw his claim.

7. The accused has confessed his guilt of his own free will, without any pressure, inducement or coercion from any quarter.

8. In view of confession of accused, the accused Davinder Kumar is held guilty Under Section 188 of Indian Penal Code and convicted thereunder. Let he be heard on the quantum of sentence.

**Announced in open court:
15.12.2020**

**(Damandeep Kamal Heera), PCS
Judicial Magistrate Ist Class,
Jalandhar (UID No.PB0416)**

QUANTUM OF SENTENCE

Present; APP for the State.
Convict in person.

9. This court has heard the Learned APP for the State as well as convict on the point of quantum of sentence. Convict has stated he is poor person and is first offender. He is only bread winner of his family. He prayed for lenient view.

10. On the other hand, ld.APP for the State stated that accused has committed grievous offence and he be punished accordingly to law.

11. This court has considered the contentions raised by the ld.APP for the State as well as convict in person. Keeping in view the facts and circumstances of the present case, the accused is ordered to pay a fine of Rs.500/- failing which he shall undergo Rigorous imprisonment for 7 days. Fine paid. Case property be disposed off as per rules after expiry of period of appeal or revision. File be consigned to the Record Room.

**Pronounced in open court:
15.12.2020**

**(Damandeep Kamal Heera), PCS
Judicial Magistrate Ist Class,
Jalandhar (UID No.PB0416)**

Present: Ld.A.P.P for the State
Accused on bail

Arguments on charge heard. Prima facie case under section 188 of IPC is made out against the accused and a separate charge sheet has also been framed against the accused, to which accused pleaded guilty and did not claim trial.

The separate confessional statement of accused has also been recorded in which he has stated that he admit his guilt and want to confess. As he is a poor person and unable to contest the case, so lenient view may kindly be taken against him. He confess his guilt without any influence or pressure from any quarter.

Arguments heard. Vide my separate detailed Judgment of evidence date, accused stands convicted. File be consigned to the Record Room.

**Pronounced in open court:
15.12.2020**

**(Damandeep Kamal Heera), PCS
Judicial Magistrate Ist Class,
Jalandhar (UID No.PB0416)**