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IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS-VIII ERNAKULAM

Present: Sri. Eldos Mathew, Judicial Magistrate of First Class.

Date... 5/9/2023

ST/G.C. 1412 2022

Complainant : State of Kerala rep by Sub Inspector of Police, in Cr. No.
.....11.63/2022.. of Maradu/Pannagadu/Kadavanthara P.S
(Rep by APP. Gr.II)
Accused : Sajeevan K.M, S/o. Madhavan,
Kallumpurath House, Colony Road
Ernakulam
Offence : U/ss. 279 IPC and 185 M.V Act.
Plea : Guilty
Finding : Found guilty u/s.279 IPC
Order : Accused is sentenced to pay fine of ₹1000/-. IDSI 5days

This case having been considered today, the court on the same day passed the following

Judgment

The accused is put on trial for the offence of drunken driving punishable u/ss. 279 IPC and 185 M.V Act. Accused appeared on summons. He is represented by a counsel. Copy served as per S.207 Cr.P.C. The certificate showing the alcohol content of the accused either in the form of a Breath Analyzer Test Result (S.203 M.V.Act) or Blood Test Result (S.204 M.V.Act) is not produced along with charge sheet. Offence u/s.185(a) of M.V.Act, 1988 can be said to have been committed only if alcohol content exceeding 30mg/100ml of blood. So in a prosecution u/s.185(a) of the Act, there should be a clear allegation to the effect that alcohol content of the accused was above 30mg/100ml of blood at the time of apprehension. On perusal of the records, no such document is seen produced. Hence, offence u/s.185(a) is discharged.

So the Particulars of offences u/s. 279 IPC was read over and explained to the accused in Malayalam. The accused, after being informed of the seriousness of the allegations, Punishment and the implications of the pleading guilty, was asked whether he intends to plead guilty of the offences charged against him. The accused pleaded guilty in clear and unambiguous terms and I have recorded the same in the words expressed by him. After having considered all relevant factors such as the voluntariness and genuineness of the plea, I accepted the plea of the accused and I find the accused guilty of the offences charged against him and convicted u/s.252 Cr.P.C.

In the result, accused is sentenced to pay fine of ₹1000/-(Rupees one thousand only) u/s. 279 IPC. In default of payment of fine, he shall undergo simple imprisonment for 5 days.

Judl. Magistrate of First Class-VIII,
Ernakulam