

Record of Summary Criminal Case to be tried in summary way under chapter XXI of the Cr.P.C.(Act II of 1974).

In the Court of Shri Abhay M. Vibhute, Judicial Magistrate, First Class KALAMB.

1. Date of offence :- 08/09/2022 at 17-11 hrs.
2. Date of complaint :- 08/09/2022
3. Name of the complainant :- State of Maharashtra.
(Through :- PSO, Kalamb)
4. Name of the accused :- Pandhari Mukundrao Bhoyar,
Age- 52 years, Occu.-:Labour,
R/o. Sheli, Tal. Ralegaon,
Dist. Yavatmal.

5. **Particulars of the offence complained
and explained to the accused :-**

That, on 08/09/2022 at 17-11 hrs. at bus stand square Kalamb, Tq. Kalamb District Yavatmal, you accused found driving your motorcycle bearing registration No.MH-29-AX-8178 under the influence of liquor and you have thereby committed an offence punishable under Section 185 of the Motor Vehicle Act, 1988 within my cognizance.

6. **Plea of Accused**

Q.1: Have you received copies of police papers of this case ?

Ans: Yes.

Q.2: Have you understood the particulars of offence read over and explained ?

Ans: Yes.

Q.3 :- Do you plead guilty?

Ans: Yes, I plead guilty for the offence.

Signature of accused

Before me,

Date :- 12/11/2022

(Abhay M. Vibhute),
Judicial Magistrate First Class,

Judgment
Delivered on 12/11/2022

1. The substance of accusation were read over and explained to the accused in vernacular to which he voluntarily pleaded guilty. Consequently, his statement has been recorded accordingly. I have explained the accused, consequences of pleading guilty to the aforesaid offence. Still, he is ready to plead guilty after knowing all the consequences.

2. Accused admitted his guilty willfully after understanding the substance of accusation against him and therefore he is liable to be convicted in accordance with the law. Therefore, I proceed to hear the prosecution and accused on point of sentence.

3. Accused and the prosecution is heard on the point of sentence. Accused has prayed for leniency as he is the only earning member of his family. Accused further submitted that he would not commit such kind of offence henceforth. The prosecution has no objection if lenient view is taken while passing sentence against the accused.

4. In the present case, accused is charged under section 185 of Motor Vehicle Act. It prescribes punishment upto six months or fine. Accused is repenting for said act and is intending to reform himself. He undertakes to not to commit such offence in future and would lead respectful life. So also it is the first offence of accused. Therefore, considering the said fact, in view there is the least possibility of repetition of said crime at the hands of the accused. Hence, lenient view in respect of quantum of punishment is required to be taken. Considering the nature of offence, facts and circumstances, I find it proper to impose the following sentence to meet the ends of justice. In view of above discussion I proceed to pass following order;

ORDER

(i) The accused is convicted for offence punishable under Section 185 of the Motor Vehicle act vide Section 252 of Code of Criminal Procedure, 1973 and sentenced to pay a fine of Rs. 1,000/- and in default of payment of fine to suffer simple imprisonment for 5(five) days.

(iii) The copy of the Judgment be supplied to the accused free of cost.

Date :- 12/11/2022

(Abhay M. Vibhute),
Judicial Magistrate First Class,
Kalamb