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IN THE COURT OF 9th JUDICIAL MAGISTRATE FIRST CLASS, THANE
(Presided over by Mahima Saini)

S.C.C. No. 15835/2024

Exh. No. 05

State of Maharashtra
Through Shrinagar Police Station

... Prosecution

v.

Rajman Ramprasad Nisadsahani
Age: 32 years, Occu.: Business
R/o. Neharu Nagar, Road No. 16
Wagle Estate, Thane

...Accused

Appearances- Shri. Pisat, learned A.P.P. for the prosecution

Smt. Pooja Kadam, learned advocate for the accused

JUDGMENT
(delivered on 27 July, 2024)

The accused is prosecuted for the offence of causing obstruction in public way punishable under Section 283 of the Indian Penal Code, 1860 (hereinafter referred to as IPC).

Prosecution case in brief :

2. On 04.06.2024, at or around 10.40 p.m., near Tata Fazan, Wagle Estate, Thane, the accused was found conducting his business on the handcart in his possession at the public road near Tata Fazan, Wagle Estate, Thane, which caused obstruction of the public way. Hence, an FIR was lodged against him.
3. Based on the above FIR, C. R. No. 401/2024 was registered. Police Naik Mukind S. Rathod, was appointed as the Investigation Officer (I. O.). After completion of investigation, he submitted chargesheet against the accused.
4. On 27.07.2024, the accused made an application (Exh. 3) to plead guilty to the present offence. Plea was framed against him at Exh. 4. Its contents were read over and explained to the accused to which he pleaded guilty.
5. Upon enquiring with the accused, it appears that he is not under any threat, duress or coercion to plead guilty. It appears that his plea is voluntary. Accused was also informed about the maximum fine that could be awarded if he pleads guilty. He still volunteered to plead guilty. Hence, it can be concluded that accused admitted his guilt voluntarily after understanding the particulars framed against him and therefore, he is liable to be convicted. I proceed to hear the learned APP and the learned advocate for the accused on the point of sentence.

6. The advocate for the accused prayed for imposition of minimum fine on the ground that this is the accused's first offence. The accused also undertook to reform himself and restrain from committing such offences in future. On the other hand, learned APP prayed for appropriate sentence to be imposed upon the accused.
7. On perusal of the chargesheet, it appears that the accused is guilty of the offence of causing obstruction in public way punishable under Section 283, IPC, as all essentials of the said offence are made out. Therefore, he is liable to appropriate punishment.
8. Considering the nature and gravity of offence, it is not considered appropriate to extend the benefit of Probation of Offenders Act, 1958, to the accused. Hence, an appropriate punishment needs to be awarded to the accused. After thoughtful consideration of the points put up by the learned APP and the advocate for the accused and taking into account the nature of the offence, it appears that imposition of maximum fine of Rs. 200/- would be appropriate punishment. Hence, the following order.

ORDER

1. Accused, Rajman Ramprasad Nisadsahani, is hereby convicted for the offence punishable under Section 283 of the Indian Penal Code, vide Section 252 of the Code of Criminal Procedure, 1973.

2. He is sentenced to pay fine of Rs. 200/- (Rs. Two Hundred only) for the offence punishable under Section 283 of the Indian Penal Code, 1860
3. In default of payment of fine, accused shall suffer simple imprisonment of 1 day.
4. Copy of this order be given to the accused free of cost.

Thane
Date: 27/07/2024

(Mahima Saini)
9th J.M.F.C., Thane