

***IN THE COURT OF MRS. SONALI SINGH, PCS,
SUB DIVISIONAL JUDICIAL MAGISTRATE,
KHAMANON.***

**CNR No.PBFGb1-000796-2019
CIS – CHI no. 88/2019
Date of institution: 02.09.2019.
Date of Decision: 02.09.2019.**

State

Versus

Kashmira Singh son of Fauja Singh, resident of House No. 1102, Ward
No.6, Ram Nagar, PS City Khanna, District Ludhiana.

.....Accused

**FIR No. 52 dated 31.08.2019.
Under Section 283 IPC
Police Station Kheri Naudh Singh,
District Fatehgarh Sahib.**

Present: Sh. Rajinder Kumar, Ld. APP for State
Accused with counsel Sh. B.S. Rai, Adv.

J U D G M E N T

1. The above named accused has been sent up by SHO, P.S.
Kheri Naudh Singh, to stand trial under sections 283 of the IPC.

2. Adumbrated in a nutshell, the facts of prosecution case
which emerge from the challan are that on 31.08.2019, at about 12.30
a.m, in the area of Bus Stand, Kalewal, accused parked his Truck
bearing registration no. PB12Y-1530 in the middle of road loaded with

iron goods, without any indicator or reflector which caused the obstruction to the traffic on public way. After completion of the investigation, the formal Challan was presented in the court.

3. The copies of the Challan and documents appended therewith were supplied to the accused, free of costs, as envisaged under Section 207 Cr. P.C.

4. From the perusal of the police report sent by the police under Section 173 Cr.P.C. (Challan) and the documents referred therein a prima-facie case under Sections 283 of the Indian Penal Code was made out against the accused and he was charge-sheeted there under to which he pleaded not guilty and claimed trial. The case was then fixed for recording of prosecution evidence.

5. In order to prove the guilt of accused, the prosecution examined ASI Amrik Singh as PW1. Thereafter, the accused Kashmira Singh suffered a statement in the court that he does not want to further cross examine the remaining witnesses of the case and he has no objection if their statement be read over into prosecution evidence. On the basis of statement suffered by the accused, the Ld. APP for the State has tendered statement of C. Shiv Kumar and PHG Tejinder

Singh as Ex.P3 and Ex.P4 and has closed the prosecution evidence.

6. Statement of the accused Under Section 313 Cr.P.C was recorded, in which all the incriminating evidence appearing against him was put to him to which he denied and pleaded that he is innocent and has been falsely implicated in this case. However, accused did not lead anything in his defence and closed the same.

7. During arguments, ld. APP for the State submitted that the evidence on record is sufficient to prove the guilt of accused beyond the shadow of reasonable doubt. He submitted that the testimony of the witness examined by the prosecution is sufficient enough to bring home the guilt of accused. He prayed that accused be convicted and punished as per law.

8. On the other hand ld. defence counsel submitted that the accused has parked his vehicle inadvertently and prayed for taking a lenient view against the accused. Ld. Counsel for accused prayed that accused may kindly be acquitted from the charges leveled against him.

9. I have heard learned APP for the State as well as learned defence counsel and have gone through the case file carefully with their kind assistance.

10. In the present case, the accused has been charge sheeted under section 283 IPC on the ground that in the area of Badla Chowk, Kheri Naudh Singh, accused parked his Truck bearing registration no. PB12Y-1530 in the middle of road loaded with iron goods, without any indicator or reflector which caused the obstruction to the traffic on public way. To prove the said charge, the prosecution has examined ASI Amrik Singh, investigating officer as PW1 who deposed that on 31.08.2019, at about 12.30 a.m, in the area of Bus Stand, Village Kalewal, accused parked his Truck bearing registration no. PB12Y-1530 in the middle of road loaded with iron goods, without any indicator or reflector which caused the obstruction to the traffic on public way. He further deposed that since the truck had obstructed the way of general public, police proceedings Ex.PA, on the basis of which FIR Ex.PB was registered. The Truck loaded with material along with RC and DL of accused was taken into police possession vide memo Ex.PC and Ex.PD, accused was arrested vide memo Ex.PE and his personal search memo Ex.PF was also prepared, site plan Ex.PG, photocopy of RC is Ex.P1 and copy of DL Ex.P2. This witness was cross examined, but, his cross examination by ld. defence counsel

could not shake his credibility. The evidence led by the prosecution is sufficient enough to establish the guilt of accused. Site plan Ex.PG establishes that vehicle has been parked in the middle of public way causing hindrance to free flow of traffic. All these facts and circumstances of the case, proves the charge under section 283 IPC against the accused beyond the shadow of reasonable doubt.

11. Accordingly, in the light of above discussion, this court is of the confirmed and considered opinion that the accused Kashmira Singh has parked his vehicle in the middle of road which caused obstruction to the traffic on public way. Hence, I hold accused guilty for commission of offences under Section 283 IPC and convict him thereunder. Let the convict be taken into custody and heard on the question of sentence.

Judgment has been read out and explained to accused in his language as per provision of Section. 353 of CrPC. Let, he be taken into custody and be heard on the quantum of sentence.

Pronounced: 02.09.2019.

***(Sonali Singh), UID No.PB0338
Sub Divisional Judicial Magistrate,
Khamanon.***

QUESTION OF SENTENCE :

Present: Sh. Rajinder Kumar, Ld. APP for State
Convict in custody.

12. Heard on the question of sentence. The convict verbally pleaded for leniency on the ground that he is a first offender and is the only bread winner of his family. Keeping in view the facts of the case and gravity of the offence the accused is sentenced as under:-

Sr. No	Offence	Sentence	Fine	In default of payment of fine
1.	U/S 283 IPC	---	Rs. 200/-	03 days (S.I.)

Fine paid. Case property be dealt with as per rules after expiry of period of appeal or revision, if any. Copy of judgment be supplied to the convict free of costs. File be consigned to the record room.

Pronounced: 02.09.2019.

*Ashok Kumar,
Judgment Writer (Sr. Grade),*

***(Sonali Singh), UID No.PB0338
Sub Divisional Judicial Magistrate,
Khamanon.***