

In the Court of Ms. Harpreet Kaur, PCS,
Judicial Magistrate Ist Class, Kapurthala.

CNR No. PBKP03-001130-2013.
Challan No. 7431 of 08.04.2013.
FIR No. 120 of 28.09.2012.
U/s 379 IPC.
P.S. Subhanpur, Kapurthala.
Decided on: 29.11.2017.

State

Versus

1. Kuldeep Singh @ Sonu son of Sh. Balkar Singh, resident of village Fathudhinga, P.S. Fathudhinga, Kapurthala. (**Proclaimed Person**)
2. Captain Singh son of Sh. Mohinder Singh, aged about 28 years, resident of village Lakhan Kalan Dere, P.S. Sadar, Kapurthala.
3. Gagandeep Singh @ Gagan son of Balwant Singh, aged about 25 years, resident of village Damulian, P.S. Subhanpur, Kapurthala.
4. Pritam Singh @ Titu @ Shera son of Sh. Sardara Singh, aged about 25 years, resident of village Boot, P.S. Kotwali, Kapurthala.
5. Balwinder Singh @ Binder son of Sh. Gurdev Singh, aged about 26 years, resident of village Boot, P.S. Kotwali, Kapurthala.
6. Mithu son of Sh. Lubhaiya, resident of village Boot, P.S. Kotwali, Kapurthala.

.....Accused.

Present: Sh. J. S. Marok, APP for the State.
Accused Kuldeep Singh @ Sonu (**Proclaimed Person**)
Accused Mithu in custody with counsel Sh. BJS Bajwa, Adv.
Remaining accused already acquitted.

JUDGMENT

1 The accused named above have been sent up by the SHO, PS Subhanpur, Kapurthala to face trial under Section 379 IPC.

2 The brief facts of the prosecution case can be summarized as following:-

On 27.09.2012 at about 8.00 p.m, complainant Rakesh Kumar parked his vehicle Eicher Canter bearing No.PB 05F 9414 of red colour of model 1998 near Sr.Sec. School, Nadala. He went to his home. He came back at 10.00 p.m and saw that his vehicle was present at the place where he has parked the vehicle. On next day at about 7.00 A.M. he went to the place where he parked the vehicle and found his vehicle missing. His statement was recorded by the police. He handed over the RC of his vehicle to the police. Rough site plan of the place of occurrence was prepared. Statement of witnesses were recorded under Section 161 Cr.P.C. After completion of investigation and necessary formalities, the instant challan was presented against the accused to face trial.

3 Copies of the challan were supplied to the accused free of cost as required under Section 207 Cr.P.C. Thereafter, on finding a prima facie case, charge for the offence punishable u/s 379 of IPC was framed against the accused. The same was read over and explained to the accused in their own language to which they pleaded not guilty and claimed trial.

4 Today accused Mithu intends to make confession of his guilt in present case and prayed that his confessional statement be also recorded in the Court. The accused Mithu was informed that he was under no obligation to make said confession. But he reiterated his stand. Then Confessional statement of accused has been recorded in which he

confessed his guilt without any pressure or coercion. As discussed above accused has made a confession of his guilt in the present case without any pressure, which is duly recorded in the Court. Accordingly accused Mitha Singh is convicted under Section 379 IPC. Let he be heard on question of sentence.

Pronounced in open court
Dated:29.11.2017.

(Mithu)

(Harpreet Kaur)
Judicial Magistrate 1st Class,
Kapurthala.

QUESTION OF SENTENCE

Present: Sh.J.S.Marok, APP for the State.
 Convict Mithu in person with counsel Sh.BJS Bajwa, Adv.

5 I have heard the convict Mithu on question of sentence. He has stated that he is sole bread winner of his family. He prayed that a lenient view be taken against him. The learned defence counsel also prayed that a lenient view be taken against him in the matter of awarding the sentence.

6 Heard. Keeping in view the antecedents of the convict and nature of offence, I am of the considered opinion that no useful purpose would be served by keeping the the convict in jail further. Hence, the convict is sentenced as under:-

Sr. No.	Name of convict	Under Section	Rigorous imprisonment	Fine in rupees	In default of payment of fine further undergo rigorous imprisonment for the period
1	Mithu	379 IPC	Five months	---	---

However, the period of detention already spent by the convict during inquiry, investigation or trial of this case be set off from the substantive sentence to be undergone by the convict. File be consigned to the Judicial Record Room and be put up as and when accused Kuldip Singh @ Sonu appears or is arrested by the police and produced in the Court.

Pronounced in open Court.
Dated:29.11.2017.

(Jhica)

(Harpreet Kaur)
Judicial Magistrate Ist Class,
Kapurthala.