

**IN THE COURT OF THIRD ADDITIONAL MUNSIF (JUDICIAL
MAGISTRATE FIRST CLASS) SRINAGAR**

F.No:50 of 2022
D.O.I: 26.08.2022
D.O.O:26.08.2022
CNR No: JKSG030505172022

In the case of:

UT of J&K through SHO P/S Zadibal Srinagar
FIR No.51/2022 Offences U/S 188,279 IPC
Through Ld. A.P.P for the UT of J&K.

VERSUS

Yawar Ali
S/o Ghulam Ahmad
R/o Balhama, Srinagar
(Accused Person)

CORAM: Ms. SHAYESTA NAZIR,
JO CODE: JK00260

JUDGMENT

The instant challan has been assigned to this court by learned Chief Judicial Magistrate Srinagar for disposal under law. Ld. A.P.P is present. Accused Person along with his Counsel is present. At the stage, the accused filed application for getting his confessional statement recorded after charges were read over to him and he chose to go for guilty plea. The accused has mentioned in the application that he wants to make a confession about his guilt without any force and out of his own free will, consent, choice and without any fraud or misrepresentation. The accused was informed by this Court that he is not bound to make such confession and if he does so, it can be read against him and he will be convicted for the commission of the said offence.

Time was given to the accused to think about the same. The file was again taken up for hearing, however, the accused after thinking over the matter continued with his request and insisted on getting his confessional statement recorded and also submitted that he is the **first offender** and has not committed the offence deliberately and accordingly prayed for justice from the Court and also prayed that a lenient view be taken in the matter and a minimum punishment be awarded to him in the interest of justice while keeping his age, family condition and conduct in consideration.

In support of his confession and the application moved by him, his statement is recorded on the back of the said application in open Court.

The application and the statement of the accused recorded in this regard is made part of the file.

I have perused the main file, the application moved by the accused, the confessional statement of the accused recorded in this court and I have also given a thoughtful consideration to the submission made by the accused. I am satisfied that the confession made by the accused person is voluntary and without any duress. Accordingly in view of the admission of guilt and the confession made by the accused, the accused is convicted in case FIR No 50/2022 of P/S Zadibal, Srinagar, for commission of offence(s) U/S 188, 279 IPC. Prosecution has failed to prove any previous conviction of the accused as such I am also satisfied that the accused has committed the offence for the first time.

So keeping in view the age of the accused, his family condition and the status of the accused, a lenient view is taken in favour of the accused and the accused is sentenced only to pay a fine to the tune of Rs. 1200/- for the commission of offence U/s 188,279 IPC Act in case FIR No 50/2022 of P/S Zadibal, Srinagar, for commission of offence(s) U/S 188, 279 IPC. The accused person has paid a fine amount in the open court, which is received vide G.R No.2192487 dated 26.08.2022. Naazir to take charge of the amount received and deposit the same in government treasury under rules. Seized articles, if any, be released in favour of the accused person. The instant charge-sheet is accordingly disposed of and the file after due completion be consigned to the records.

**Announced
26.08.2022**

**Third Additional Munsiff/JMIC
Srinagar**