

In the Court of Judicial Magistrate (2<sup>nd</sup> Court)  
Diamond Harbour, South 24 Parganas (WB)  
**Present: Smt. Priyanka Zimba, WBS (WB01293)**  
**CASE NO:- GR 865/22**

**Order Dated : 16-01-25**

Today is fixed for charge.

Accused person on C.B is present.

Ld Advocate for the accused person has filed a petition for pleading guilty in the instant case.

Ld APP is present.

The record is taken up for hearing.

Heard both sides.

Perused the F.I.R, Charge Sheet and other prosecution papers. Considered.

A prima facie case under section 46A(c) of Bengal Excise Act is made out against the accused person. Therefore substance of accusation to this effect that the police of Usthi had found him with country liquor of approx. 9 liters without having any valid license, is read over and explained to the accused person to which he pleads guilty by saying 'আমি দোষী' and that you thereby committed an offence under section 46A(c) of Bengal Excise Act. The plea of guilt appears to be voluntary and therefore accepted.

The provision of section 46A(c) of Bengal Excise Act imposed punishment for imprisonment for a term which may extend to 3 years and with fine.

Record reveals that the accused was apprehended on 29.03.22 and released on bail on the same date. Considering the voluntary surrender of accused person, I am not inclined to punish him harsh sentence.

Hence,

**ORDERED**

That the accused person namely Mehtab Sk, S/O- Lt. Faraj Ali Sk is hereby held guilty for the offences punishable under Section 46A(c) of Bengal Excise Act and is therefore convicted under section 241 of the Code of Criminal Procedure. He is sentenced to undergo imprisonment in form of confinement in Court room till rising of the Court and to pay a fine of Rs. 1000/- for the commission of offence punishable under Section 46A(c) of Bengal Excise Act in default to suffer simple imprisonment for 07 days. The substantive sentence imposed herein shall run concurrently and shall terminate on payment of fine.

The convict is accordingly taken into custody.

**Later:-**

Fine paid of Rs. 1000/- being receipt no. 2398658. Release the accused at once.

Sureties stands discharged.

D/C by me.

**JM 2<sup>nd</sup> Court DDH**

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**(JO Code: WB01293)**