

**S.T.C. No. - 961/2021.****Exh. No.- 4/B**

IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS,
COURT NO. 1, SHAHADA.

- 1] Date of offence : 14/03/2020
- 2] Date of report : 09/07/2021
- 3] Name of the Complainant : Government of Maharashtra through
Inspector of Legal Metrology Taloda
Division, Near Vijay Kirana, Shahada road,
Tal. Taloda, Dist. Nandurbar.
- 4] Name of the accused 1 **1) M/s Wardhaman Medical,
Pro. Khushalchandra Ashokkumra Jain,
at post, C.S, No. 2924, shop No. 1,
apposite Bus Stand Shahada, Tal.
Shahada, Dist. Nandurbar.
2) M/s Golden Ocean Cosmetics,
Mumbai, Maharashtra, India.**

Particulars of Offence :

1) You accused No.1 on 14/03/2020 possesses for sale pre-packaged Commodities manufactured by accused No.2, which does not confirm the declaration on the package as provided in this Act and thereby committed breach of section 36 of Legal Metrology Act, 2009 r/w 2 (m) of packaged commodities Rule 2011 punishable under section 36 (1) Legal Metrology Act, 2009.

Q. No. 1- Have you received the copy of papers?

Ans.- Yes.

Q. No. 2- Have you understood the contents of the particular of offence now read over and explained to you in Marathi language ?

Ans.- Yes.

Q. No. 3- Do you plead guilty?

Ans.- Yes.

Before me,

Date :- 11/12/2021

(A. R. Shendge)

Judicial Magistrate, F.C,

Signature of accused No.1

Court No.1, Shahada, Dist. Nandurbar.

J U D G M E N T**(Dt. 11/12/2021)**

1] Today accused No.1 is appeared before the court. Particulars of offence are read over and explained to him. He voluntarily pleaded the guilt to the offence. He submitted that, this is his first offence. He will not commit breach of any provisions of the Legal Metrology Act, 2009 and Rules 2011. He will suffered financial loss in business due to Covid-19 pandemic. Ld. Adv. S. K. Tatiya for accused submitted that, accused voluntary pleaded the guilty of offence therefore, leniency be shown to him while awarding punishment. He prayed to impose minimum fine. The complainant is absent today. Ld. APP is also absent.

2] Accused has voluntarily pleaded the guilt of the offence. The section 36 of The Legal Metrology Act, 2009 provides punishment with fine which shall not be less than twenty five thousand rupees, for second offence which find fifty thousand rupees and for subsequent offence, with fine shall less than fifty thousand rupees but which may extend to one lakh rupees or which imprisonment for a term which may be extend to one year or with both. This is his first offence. He is not manufacturer. He submitted that he will not commit similar kind of offence and abide all provision of the Legal Metrology Act, 2009. He suffered from financial loss in business during Covid-19 Pandemic. Hence, considering nature of offence and submissions lenient view is necessary while awarding the punishment. Considering all the aspect I pass the following order.

- O R D E R -

1] Accused No.1 is convicted for the offence punishable under section 36 of Legal Metrology Act, 2009 r/w 2 (m) of packaged commodities Rule 2011 punishable under section 36 (1) Legal Metrology Act, 2009 vide section 252 of the Code of Criminal Procedure and

sentenced to pay fine of Rs. 2000/-(Two Thousand only), in default to suffer One month simple imprisonment.

2] Pronounced in open court.

3] Case be kept pending for accused No.2

Date- 11/12/2021.

(A. R. Shendge)
Judicial Magistrate, F.C,
Court No.1, Shahada, Dist. Nandurbar.

C E R T I F I C A T E

I hereby certify that the contents of this PDF file are word to word, as per the original judgment,

Name of the Stenographer	:	Sau. A. T. Chandratre
Name of the Court	:	Jt. Civil Court Jr. Division, Court No.1, Shahada, Dist. Nandurbar.
Date of announcement of Judgment	:	11.12.2021
Date of Signing of Judgment	:	11.12.2021
Date of uploading PDF file	:	13.12.2021