

**IN THE COURT OF MANPREET KAUR,
JUDICIAL MAGISTRATE, 1ST CLASS, RUPNAGAR.**

CIS No. CHI/234/2020
CNR No. PBRO03001669-2020
Date of Institution: 14.09.2020
Date of decision: 17.11.2022

State	Versus	Jasmer Singh son of Late Pritam Singh resident of Village Dhoomchehri, PS City Morinda Presently residing at Village Dugri, PS Sri Chamkaur Sahib, District Rupnagar. ...Accused. FIR No. 114 dated 05.11.2019 U/s. 188 IPC P.S. City Morinda
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Present: Sh. Bharpur Singh, Ld. APP for the State.
Accused on bail represented by Sh. Rajbir Singh Rai,
Advocate.

JUDGMENT

1. Aforementioned accused person has been forwarded by Officer Incharge of Police Station City Morinda, to face trial for the alleged commission of offence punishable under Section 188 of the Indian Penal Code (hereinafter called as 'IPC').

BRIEF FACTS

2. Succinctly facts are that on 05.11.2019 ASI Krishan Lal alongwith police party has been present at Main Highway, G.T Road at Rattangarh Chowk then at about 2:40 PM, ASI Krishan Lal has received secret information that Jasmel Singh son of Pritam Singh resident of Village Dhoomchehri, PS City Morinda, District Rupnagar has burnt the straw standing in his fields and has thereby violated the Order of Deputy Commissioner Rupnagar. Finding information reliable ruqa has been sent for registration of FIR. FIR under Section 188 of IPC has been registered

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against accused Jasmel Singh. Investigation has been pressed into. Ruqa has been sent through PHG Amrik Singh for registration of FIR against accused Jasmer Singh. Site plan of the place of occurrence has been prepared. On 20.03.2020 ASI Krishan Lal alongwith CT Amandeep Singh has present at Police station, where Jasmer Singh son of Pritam Singh has been produced by one Sukhwinder Singh son of Gurdev Singh resident of Village Dhoomchehri. Accused has joined into investigation and has been arrested. Later, he has released on bail. Memos have been prepared. Statement of witnesses were recorded under Section 161 of the Cr.P.C. During investigation, it has come to the knowledge that the real name of accused is Jasmer Singh. As per Order 144 of Deputy Commissioner, complaint 195 Cr.P.C has obtained. After completion of the investigation and other necessary formalities, the challan under Section 173 Cr.P.C against above named accused was prepared and presented in the Court.

3. Copies of the challan etc. as relied upon by prosecution have been supplied to him in the Court free of costs as envisaged under Section 207 of the Cr.P.C.

5. Finding a prima facie case for the offence under section 188 of Indian Penal Code charge has been framed against the accused to which he has pleaded guilty and has not claimed trial.

5. During Prosecution evidence, accused has expressed his desire to confess his guilt. His confessional statement has been recorded in the Court after duly apprising him of the fact that he is not bound to make any confession and, if made, it can be used against him. Still

accused requested to record his confessional statement and same has been recorded after ensuring that he has made statement voluntarily and without any pressure, force, promise and inducement from any quarter. The perusal of the file reveals that the present challan has been presented after due investigation and receipt of complaint under Section 195 Cr.P.C. qua offences punishable under Section 188 IPC against the accused. Since, the accused has not refuted the complaint as well as the charges framed against him, perusal of the said complaint under Section 195 Cr.P.C., reveals that it has been presented in accordance with law.

6. Further, this Court is satisfied that confession of guilt made by accused is free from any threat, pressure, coercion from the prosecution and is voluntarily one with the knowledge that it can be used against him. Accordingly, relying upon the voluntary confessional statement of accused, I hereby convict accused **Jasmer Singh** for having committed offence punishable under Section 188 IPC. Accordingly, let the accused be taken into custody and be heard on the quantum of sentence.

Pronounced in open Court:
Dated 17.11.2022
**Neelam, Steno II*

Manpreet Kaur, PCS
Judicial Magistrate 1st class,
Rupnagar/ UID No.PB-0403.

QUANTUM OF SENTENCE:

Present: Sh. Bharpur Singh, Assistant Public Prosecutor for the State.
Convict in custody.

7. The convict has pleaded that he is nearly 75 years old. Further pleaded that he will not repeat the same mistake again and will be

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more careful in future. Lastly, prayed that lenient view may kindly be taken while awarding sentence. On the contrary, the learned APP for the State argued that appropriate sentence be awarded to the accused considering the gravity of the offence. After considering the plea of convict and his age, I am of the view that it is a fit case for releasing the convict on probation under section 4 (1) of Probation of Offender Act, 1958 so, instead of sentencing the accused at once to any punishment, the convict is directed to be released on his entering into probationary personal bonds in the sum of Rs.30,000/- for a period of six months and to appear and receive sentence as and when called upon during such period and in the meantime to keep peace and be of good behaviour and he is also burdened with cost of litigation to the tune of Rs.5000/- (Rupees Five thousand only). Case property, if any, be disposed of according to law after the decision of appeal/revision if any or after expiry of period of limitation for preferring the same. File be consigned to the Record Room.

Pronounced in open Court:
Dated 17.11.2022
**Neelam, Steno II*

Manpreet Kaur, PCS
Judicial Magistrate 1st class,
Rupnagar/ UID No.PB-0403.