

Received on	09/10/2023		
Registered on	09/10/2023		
Decided on	07/11/2023		
Duration:	Years	Months	Days
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MHRG140019902023



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, URAN,
TALUKA: URAN, DISTRICT: RAIGAD
(Presided over by Nilesh M. Wali)

REGULAR CRIMINAL CASE No. 201/2023
(CNR No.: -MHRG14-001990-2023)
Exhibit No. 13/B

State of Maharashtra,
Through-
Uran Police Station,

... **Prosecution**

VERSUS

1. Mangal Sher Bahaddur Sing,
Age:- 24 Years, Occupation:- Driver,
R/o. Katala, Post Garvara,
Dist Pratapgad, State Uttarpradesh.
2. Halim Vasir Khan,
Age – 34 Years, Occupation - Labour,
R/o – Bevali, Tal Lalganj,
Dist Pratapgad, State Uttarpradesh. ... **Accused**
3. Bhanupratap Ashok Yadav,
Age – 23 Years, Occupation – Driver,
R/o. Garothan, Post – Potriya, Tal – shahaganj,
Dist – Jaunpur, State – Uttarpradesh.

Charge - Offence punishable under Section 379,411
r/w 34 of Indian Penal Code.

Appearance:-

Advocate for the State:- Smt. Ansari.

Advocate for accused No. 1 to 3 :- Shri. Yogesh Gangan.

J U D G M E N T

(Delivered on 7th November, 2023)

1. Accused Nos. 1 to 3 are prosecuted for the commission of offences punishable under section 379 r/w. 34 of Indian Penal Code.

2. Prosecution case in brief is as under -

Between 16.07.2023 to 17.07.2023 till 11.00 a.m at Surungpada, in front of Jai Bhavani Petrol pump, Dhutum, Tal.Uran, Dist.Raigad, accused Nos. 1 to 3 along with accused Nos. 4 in furtherance of their common intention, dishonestly took away total 12 Excide Batteies, belonging to informant Bapu Gangaram Dhembare without his consent. Accordingly, the informant lodged report against accused for the offence punishable under Section 379 r/w. 34 of the Indian Penal Code with the Uran Police Station.

3. As per the report CR No. 165/2023 was registered by the Uran Police Station and investigation was handed over to PSI Shivaji Hulage. During the investigation he recorded the statements of witnesses, prepared spot panchanama, seized the muddemal and thereafter, he arrested accused persons and after completion of the investigation submitted the final report in the Court.

4. Production warrant of accused No. 1 to 3 was issued to jail authority. The accused No. 1 namely Mangal Sher Bahaddur Sing, accused No. 2 namely Halim Vasir Khan, and accused No. 3 Bhanupratap Ashok Yadav, are under detention since 09.08.2023. On 02.11.2023 accused No. 1 to 3 are produced before the Court by the Jail Authority through video conference. The accused No. 1 to 3 want to plead guilty as since 09.08.2023 they are under detention for this offence. They stated that, as they are in jail, their old parents depending on them are suffering from starvation because no one is earning member except them in their family, thus, they plead guilty.

5. Perused application & record of the case. Heard accused & their advocate Considering the submission made by accused No. 1 to 3, it seems that, accused No. 1 to 3 want to plead guilty voluntarily. Hence, as accused No. 1 to 3 plead guilty of the alleged offence, considering the reasons given by them, considering their age and dependency and from perusal of the record, accused can be convicted for imprisonment. It seems that, since 09.08.2023, accused No. 1 to 3 are in jail. Thus, accused No. 1 to 3 are in jail for two months twenty nine days. Thus, considering all the record, imprisonment for three months will be sufficient. Hence, I pass the following order.

ORDER

1.	Accused No. 1 namely Mangal Sher Bahaddur Sing, accused No. 2 namely Halim Vasir Khan, and accused No. 3 Bhanupratap Ashok Yadav, are hereby convicted for the offence punishable under Section 379 r/w. 34 of Indian Penal Code under Section 248(2) of the Code of Criminal Procedure.
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2.	Accused No. 1 namely Mangal Sher Bahaddur Sing, accused No. 2 namely Halim Vasir Khan, and accused No. 3 Bhanupratap Ashok Yadav, are sentenced to suffer simple imprisonment for the period of three months for the offence punishable under Section 379 r/w. 34 of Indian Penal Code.
3.	Accused No. 1 namely Mangal Sher Bahaddur Sing, accused No. 2 namely Halim Vasir Khan, and accused No. 3 Bhanupratap Ashok Yadav, are under detention since 09.08.2023 and they are entitled to set off of the said period of the detention which they are undergone under Section 428 of the Code of Criminal Procedure.
4.	Muddemal property total 12 Excise Battery of Rs.54,000/- be preserved till the decision of Regular Criminal Case No.201/2023.
5.	Case will proceed against accused No. 4.
6.	Copy of this judgment be given to accused No. 1 to 3 free of costs.

Place:- Uran.

Date:- 07/11/2023

(N. M. Wali)

I/c Judicial Magistrate F.C., Uran.