

Received on – 25/01/2011
 Registered on – 25/01/2011
 Decided on – 12/05/2011
 Duration – 3 Months, 17 Days.

IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS,
JATH, DIST. SANGLI
 (Before D.D. Almale)

REGULAR CRIMINAL CASE NO. 7/2011

Exh.

The State of Maharashtra,
 Through – The Police Officer,
 Police Station, Jath,
 Tal. Jath, Dist. Sangli

PROSECUTION

VERSUS

1. **Swapnil Shivaji Kumbhar**, Age-19,
 R/o. Hathrute lane, opposite to Basveshwar
 Police Station, Nipani, Dist. Belgaon.
2. Ravi @ Subhash Mahadeo Waghmode (**Split-Up**)
3. Kishore Tanaji Karve (**Juvenile Offender**)

ACCUSED

Offence punishable under section 379 read with
section 34 of the Indian Penal Code.

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 Shri. N.B. Gunde, A.P.P. for State
 Shri. K.A. Patil, Advocate for Accused

J U D G M E N T

(Delivered on 12th of May, 2011)

1. Accused No. 1 stands prosecuted for offence punishable under section 379 read with section 34 of the Indian Penal Code.

2. Prosecution case in short is as under :-

Complainant/informant Kalabai Dnyanu Kale lodged complaint to Police Station, Jath on 08/10/2010. She made allegations that on 02/10/2010 at about 10 a.m. she was driving she-goats on Shinganhalli-Jath road. At about 5 p.m. she was returning back. At that time three persons by riding a red coloured motorcycle came near her. They asked her about road and suddenly snatched golden necklace from her neck and ran away. Thereafter she raised noise. Then some persons were gathered. They took search of those persons but did not found.

3. On the basis of said complaint the concerned P.S.O. on duty booked C.R. No. 152/2010 under section 379 read with section 34 of the Indian Penal Code. The concerned Investigation Officer started

investigation. During the course of investigation, the concerned Investigation Officer recovered a golden necklace worth of Rs. 12,000/- from the possession of abscond accused Ravi Waghmode. Thereafter the concerned Investigation Officer recorded statements of witnesses and after investigation is over, filed charge-sheet against present accused and accused No. 2 Ravi Waghmode. Accused No. 3 is minor, so concerned Investigation Officer filed charge-sheet in Juvenile Court.

4. Meantime it is reported that accused No. 2 Ravi Waghmode is abscond from Tasgaon police custody. This accused No. 1 is in jail since 15/10/2010, therefore, as per application Exh. 6 filed by him, his trial is separated from rest of accused.

5. I have framed charge for offence punishable under section 379 read with section 34 of the Indian Penal Code against present accused Swapnil Kumbhar. Accused pleaded guilty.

6. Heard accused and his counsel Shri. K.A. Patil on the point of

quantum of sentence. Both have submitted that leniency may be shown to accused while awarding sentence.

7. I have considered submissions made on behalf of accused. Admittedly present accused is in jail since 15/10/2010. His age is only 19 years. So considering his age it appears to me that if he is kept behind bars for longer period, then, his future is going to be spoiled. Therefore, I am of view that lenient view is required to be taken against present accused Swapnil Kumbhar. So considering the aforesaid facts, following sentence would meet the ends of justice. Hence, following order.

ORDER

- (1) Accused No. 1 Swapnil Shivaji Kumbhar is hereby convicted under section 241 of the Code of Criminal Procedure for offence punishable under section 379 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 9 (Nine) months and shall pay fine of Rs. 1,000/- (Rs. One thousand only). In default of payment of fine accused to undergo further rigorous imprisonment for 1 (One) month.

- (2) Accused is entitled for benefit of set-off for the period which he is in jail during trial as per section 428 of the Code of Criminal Procedure.
- (3) Muddemal property be preserved for the trial of accused No. 2.
- (4) Copy of judgment be given to present accused free-of-costs.

Jath
Date :- 12/05/2011

Sd/-xxx
(D.D.Almale)
Judicial Magistrate, First Class, Jath