

Received on : 21-1-2017.
Registered on : 21-1-2017.
Decided on : 12-4-2017.
Duration : Ys. Ms. Ds.
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IN THE COURT OF JUDICIAL MAGISTRATE F.C. MALSHIRAS,
DISTRICT – SOLAPUR
(Before – N.G. Vyas)

R.C.C.No 27 of 2017.

Exh. No. 31.

The State of Maharashtra	}	
Through : P.S.O. Akluj Police	}	<u>Informant</u>
Station, Malshiras.	}	

Versus

1) Akash Parshuram Bhosale,	}	
Age. 22 yrs. Occ:	}	
R/o. Indira Nagar, Akluj,	}	Accused.
Tal. Malshiras.	}	

Claim : offence u/s. 457,380 r.w. 34
of the Indian Penal Code.

Shri. S.P. Pondkule Ld. A.P.P. for the state.

Shri. A.P. Bhosale, Ld. Adv. for accused No.1.

J U D G M E N T

(Delivered on this 12th day of April-2017)

Accused Nos. 1 to 3 have been charge sheeted for the offence punishable under sections 457, 380 r.w. 34 of the Indian Penal Code.

2. Accused Nos. 1 and 2 along with juvenile in conflict with law Rohit Dipak Pawar, alleged to have committed the offence by committing the theft of ornaments and cash amount of Rs.

4,22,500/-. Accused No.3 is receiver of stolen property. Accused No.1 is remanded to MCR on 7-9-2016 . Since then he is in judicial custody. Accused No.1 has filed a pursis at Exh.29 contending that, he is going to plead guilty voluntarily. I made it clear that, the accused confessed without pressure of police or anybody else. Therefore, the trial of accused is separated from other accused under section 317(2) of Cr.P.C. and charge is framed at Exh.30.

3. Having regard to the nature of offence, I heard the accused and A.P.P. on the point of sentence. Ld. A.P.P. submitted that the accused is convicted , severe punishment be imposed. The accused has submitted that, he is sole bread earning member of his family. Therefore, lenient view may be taken.

Having regard to the rival submissions, I pass following order.

O R D E R

1) Accused No.1 Akash Parshuram Bhosale, is convicted for the offence punishable under sections 380 of the Indian Penal Code vide section 241 of Cr.P.C. and sentenced to under go Simple Imprisonment for 9 (Nine) months and to pay fine of Rs.1000/-(Rs. One thousand) in default of payment of fine, he shall undergo simple imprisonment for 7 (Seven) days.

2) Accused is also convicted for the offence punishable under sections 457 of the Indian Penal Code vide section 241 of Cr.P.C. and sentenced to under go Simple Imprisonment for 9 (Nine) months and to pay fine of Rs.1000/-(Rs. One thousand) in default of payment of fine, he shall undergo simple imprisonment for 7 (Seven) days.

3) Substantive sentence shall concurrently.

4) The accused is entitled for set off under section 428 of Code of Criminal Procedure.

5) Case is pending against other accused.

Copy of judgment be given to accused No.1 free of costs.

(Dictated and pronounced in open Court)

Dt. 12-4-2017.

(N.G. Vyas)
Judicial Magistrate F.C.
Malshiras.

Certificate.

I affirm that the contents of this P.D.F. File Judgment/Order are same word to word as per the original order.

Name of the Stenographer : J.K. Maindargi.

Name of the court : Judicial Magistrate F.C. Malshiras.

Judgment/Order signed by Presiding Officer on : 12-4-2017.

Judgment/Order uploaded on : 15-4-2017.