

Received on : 16/01/2013

Registered on : 16/01/2013

Decided on : 20/02/2014

Duration : 1 Y 01 M 04 D

**IN THE COURT OF CIVIL JUDGE J.D. AND J.M.F.C.,**  
**SHAHAPUR AT : SHAHAPUR**

**Reg. Cri. case No. 13/2013****Exh.No.**

State of Maharashtra,  
(Shahapur police station)

--- Complainant

Vs.

3] Shri Ramesh Sitaram Gupta  
Age- 45 years.  
R/at. Room of Amarnath,  
adjacent to Marathi school,  
Dandipada, Boisar,  
Tal. Palghar.

– Accused

Offence under section 379 r.w. 34 of I.P.C.

State- Adv. S.G.Javale

Accused- In person

**JUDGEMENT**

**(Delivered as on 20<sup>th</sup> of February ,2014)**

1] Accused is prosecuted under section 379 r.w. 34 of  
Indian Penal Code.

2] In short prosecution case is as follows.

That in between 11/03/11 to 14/03/11 at about 7:00 a.m. at village Math accused no.3 alongwith other accused committed theft of copper coil of near about 30 kg. and sold it to accused no. 5, 6 and absconding accused Loukush, accordingly chargesheet is filed.

3] Accused pleaded guilty before this court by moving application at Exh.32.

4] Following points arise for my determination and I have recorded my findings thereon with reasons as under:

Sr. No.	<u>Points</u>	<u>Findings</u>
01]	Whether prosecution proves that in between 11/03/11 to 14/03/11 at about 7:00 a.m. at village Math accused no.3 alongwith other accused with their common intention committed theft of copper coil without consent of complainant M.S.E.B. and thereby committed offence u/s. 379 of IPC?	Yes.
02]	What order ?	As per final order.

**REASONS****As to point no.1 :**

5] Accused pleaded guilty. I explained him that if he pleads guilty then he will have to suffer imprisonment. Despite all these facts, the accused pleaded guilty. The accused is in jail in Crime no. I-68/11 since 22/08/12. On having conversation with him considering nature of offence I found his plead guilty and voluntary hence same is accepted. Therefore, I proceed to pass the following order.

**ORDER**

- 1] Accused Ramesh Sitaram Gupta is hereby held guilty for the offence punishable u/s. 379 r.w. 34 of Indian Penal Code and thereby convicted with simple imprisonment for one year six months vide Section 252 Cr.P.C.
- 2] Accused be given set off for the period for which he has already undergone imprisonment as per provisions of 428 of Cr.P.C.
- 3] Copy of this order be given free of cost to the accused.

Date – 20/02/2014.

( P.T.Shejwal-Kale),  
C.J.J.D.& J.M.F.C.,  
Shahapur.