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IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, SHAHAPUR AT : SHAHAPUR

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

State of Maharashtra,
(Shahapur police station)

--- Prosecution

Vs.

- 1] Shri Santosh Ghanashyam Dubey
Age- 27 years.
R/at. Fullore Chawl,
Doarligaon, Hajimalang road,
Kalayn -East.
- 2] Mithilesh Maneshwar Rishidev
Age – 31 years.
R/at. In the room of Dinkar Patil,
Airoli gaon, Tata power house,
Netaji Nagar,
Kalyan -East.

--- Accused

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

Advocate for State- Adv. S.G.Javale
Advocate for Accused- Smt. Neeta Patil

JUDGEMENT**(Delivered as on 3rd of March, 2014)**

1] Accused are 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 at 16:00 hours to 14/03/11 at about 7:00 a.m. at village Math accused no. 1 and 2 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] Charge is framed at Exh.38. Contents of charge were read over and explained to accused to which they pleaded guilty. They also filed application Exh.37 regarding plead guilty.

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

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
01]	Whether prosecution proves that in between 11/03/11at 16:00 hours to 14/03/11 at about 7:00 a.m. at village Math accused no. 1 and 2 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.
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REASONS

As to point no.1 :

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

ORDER

- 1] Accused Shri Santosh Ghanashyam Dubey and Mithilesh Maneshwar Rishidev are 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 and six months vide Section 241 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] Punishment of accused Mithilesh Maneshwar Rishidev shall run concurrently with punishment of RCC No. 222/13.
- 4] Copy of this order be given free of cost to the accused.

Date – 03/04/2014.

(P.T.Shejwal-Kale),
Judicial Magistrate F.C. Shahapur.