

**IN THE COURT OF METROPOLITAN MAGISTRATE,
JAIL COURT, BYCULLA MUMBAI.**

Case No. : 138/PW/2018

The State ...
Bandra Railway Police Station, Mumbai,
(C. R. No. 462/2018)

Exh-04
... **Complainant.**

V/s.

Mallesh Shanappa Desai, Age 26 years,
R/o.: Sion Koliwada, Siddhivinayak Chawl,
Room No. 2, Dharavi, Mumbai – 17.

... **Accused**

Charge U/sec. : 379 of Indian Penal Code.

JUDGMENT

(Delivered on 11.04.2018)

1) Today accused is produced before the Jail Court. The charge is framed against him below at Exh. 2 to which the accused pleaded guilty. Accused is given understanding that he is not bound to plead guilty and if he pleads guilty he will be sentenced to punishment as per law. The particulars of the offence punishable under section 379 of Indian Penal Code were read over and explained to accused in vernacular to which he pleaded guilty voluntarily at Exh. 3. He has further submitted that he feels repentance for the act committed by him and he is poor person. He is only earning member in his family. On the above grounds prayed for leniency.

2) The accused has no criminal background or antecedents. This is his first offence. There is no evidence produced on record to prove previous conviction of the accused. Considering the age of accused, nature of the offence in my opinion the accused is entitled for leniency.

3) Perused the case papers. Heard accused in person. Considering the above facts, I hold that the accused is guilty of the offence punishable under section 379 of Indian Penal Code and I proceed to pass the following order.

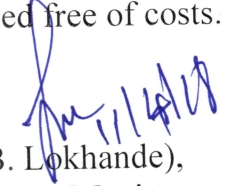
ORDER

01. The accused namely, Mallesh Shanappa Desai, Age 26 years,, is hereby convicted for the offence punishable under section 379 of Indian Penal Code and sentenced to suffer S. I. for 03 (Three) months vide section 241 of the Code of Criminal Procedure, 1973.

02. He be given set off under section 428 of Cr. P. C. for the period of detention undergone by him against the imprisonment imposed on him. Issue intimation accordingly to the Jail Superintendent, Byculla Jail, Mumbai.

03. The muddemal property i. e. One Oppo Nio 7 company mobile phone, be returned to the informant Shri. Vivek Shriram Mishra, after due verification.

04. The copy of the judgment be given to the accused free of costs.


(P. B. Lokhande),
Metropolitan Magistrate,
Jail Court, Byculla, Mumbai.

Date : 11.04.2018