



EXH. NO.03

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
COURT NO.3, CHANDUR BAZAR

Date of commission of offence : 19/09/2022

Date of Registration of complaint : 19/09/2022

Name of the Informant/Complainant : The State of Maharashtra
with Parentage, age and place of residence. Through Police Station,
Bramhanwada Thadi,
Tah. Chandur Bazar,
Dist. Amravati

Name of the accused with : **Nelsingh Govardhan Jadhav**
parentage age and place of residence Age : 50 Yrs. Occ. Labour
R/o Redwa,
Tq. Chandur Bazar,
Dist Amravati.

Particulars of offence :

That on 19/09/2022 at about 13.10 hours at Redwa you accused found smoking of cigarette in public place and thereby contravened provision under Section 4 of the Cigarette and Other Tobacco Product (Prohibition of Advertisement and Regulation of Trade and Commerce, Production Supply and Distribution) Act 2003 punishable under Section 21 of said Act and within my cognizance.

Date : 13/10/2022
Place : Chandur Bazar.

(Smt. D. K. Sahu)
Judicial Magistrate First Class
Court No.3, Chandur Bazar

Plea of Accused

Q. 1 :- Have you understood the particulars now read over and explained to you in vernacular ?

Ans :- Yes.

Q. 2 :- Have you received copies of the case papers ?

Ans :- Yes.

Q. 3 :- Do you want free legal aid counsel?

Ans :- No.

Q. 4 :- Do you plead guilty ?

Ans :- Yes. The accused has moved pursis at Exh.2 under which he wants to plead guilty. In order to ascertain the voluntariness of the accused, I have examined him and posed certain questions to him which are as follows;

Ques.i:- Have you understood that if you plead guilty, then you will loose your right to contest the case, cross- examine the witnesses and lead evidence?

Ans: YES.

Ques.ii:- Have you understood that the punishment prescribed for the offence under section 4 PUS 21 of The COTAPA Act is fine which may extend to Rs.200/- ?

Ans: YES.

Ques.iii:- Have you understood that on your pleading guilty, you will not earn any incentive for lessor punishment on that count only ?

Ans: YES.

Ques.iv:- Have you understood that the conviction may adversely affect your employment and professional career in future?

Ans: YES.

Ques.v:- Do you know after pleading guilty, you will loose your right to appeal against conviction except on point of sentence?

Ans: YES.

Ques.vi:- Do you want to plead guilty despite of the aforementioned facts?

Ans: YES.

Date : 13/10/2022

Place : Chandur Bazar.

(Smt. D. K. Sahu)

Judicial Magistrate First Class

Court No.3, Chandur Bazar

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(Signature of accused)

J U D G M E N T

(Delivered on this 13th day of October 2022)

In the present case, accused stands prosecuted for the offence punishable **under section 4** of the Cigarette and Other Tobacco Product (Prohibition of Advertisement and Regulation of Trade and Commerce, Production Supply and Distribution) Act 2003. The accused appeared before me and particulars under section 4 of COTAPA Act. were recorded by me against the accused. The said particulars were read over and explained to the accused in his vernacular. The accused pleaded guilty to the same. I told him the consequences of pleading guilty as mentioned above. Even though the accused is ready to accept his guilt. He has also moved pursis (Exh.02) and thereby intimated that he is ready to plead

guilty. From the facts and circumstances it appears that the accused has voluntarily pleaded guilty. Therefore, after accepting his voluntariness to plead guilty, I am inclined to convict the accused. I have heard the accused and learned A.P.P. on the point of sentence. The accused stated that he is the sole bread earner of his family. Thus, he prayed for leniency in awarding the fine. There is nothing on record to show that accused is habitual offender. Considering the first offence of accused and in view of the aforesaid reason, I proceed to pass following order :

ORDER

1. The accused **Nelsingh Govardhan Jadhav** is hereby convicted for the offence punishable **under section 4** of the Cigarette and Other Tobacco Product (Prohibition of Advertisement and Regulation of Trade and Commerce, Production Supply and Distribution) Act 2003 vide section 252 of the Code of Criminal Procedure.
2. The accused is sentenced to pay fine of **Rs.200/-** (Two hundred rupees only) for offence under section 4 of COTAPA Act. in default of payment he shall undergo simple imprisonment of **7 days**.
3. The seized muddemal if any be disposed off as per rule after appeal period.

(Pronounced in open court.)

Date : 13/10/2022
Place : Chandur Bazar.

(Smt. D. K. Sahu)
Judicial Magistrate First Class
Court No.3, Chandur Bazar