

Order Below application under section 265B of CrPC for Plea Bargaining

1. Today the accused person moved an application under [Section 265-B](#) Cr.P.C. for plea bargaining. The application was supported with affidavit of the accused person. In the application brief description has been mentioned. The affidavit shows the voluntariness and understanding the nature and extent of punishment provided under the law. Accused person was not previously convicted in any case.
2. Notice of the application was given to the learned APP for the State. The Investigating officer was also present. The time granted to the accused persons as well as learned APP for the State to discuss the plea of bargaining and its consequences. Learned APP has stated that he has no objection with regard to the present application if allowed, and further prayed to pass sentence as deems fit to the nature of offence.
3. Accused persons examined in Camera and after satisfaction of voluntariness further process of plea bargaining conducted. The satisfaction has been observed that accused persons voluntarily file the plea bargaining application and sufficient time also given to the learned APP for the State as well as to the complainant to work out mutual satisfactorily disposing of the case. The mutual satisfactory disposition works out as per guidelines provided in [Section 265C](#) Cr.P.C.
4. Looking to the nature of offence it seems to this court that the offences under Gujarat Prohibition Act do not come under the preview of Socio Economic offences as the central government has specifically determined the list of offences which fall under the definition of socio economic offences vide its notification no. S.O 1042(E), dated 11th July of 2006.

5. In view of the above observed plea bargaining process, the accused person held guilty of offence punishable under Gujarat Prohibition Act.
6. The accused persons heard on the quantum of sentence. In the facts and circumstances of the case I pass the following order:

Order

1. The accused is hereby sentenced to undergo sentence of imprisonment till rising of the Court and to pay a fine of Rs. /- and in default to undergo imprisonment for one month.
2. The statements or facts stated by an accused in the present application for plea bargaining filed under section 265B shall not be used for any other purpose except for the purpose of this Chapter.
3. The case file be consigned to record room after due compliance.

Signed and pronounced in the open Court on 17th Day of December 2017.

Date: 13/07/2019

Place: Surat

(Mr. H.J.Parmar)

Judge Code: GJ01467

10th Judicial Magistrate,

First Class, Surat.