

**IN THE COURT OF THE ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS,
PEDDAPURAM.**

Present :- Sri. G.HARSHAVARDHAN

ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS, PEDDAPURAM.

Saturday, this the Twelfth [12th] day of November, 2022.

C.C.No.1314 of 2022

Between:

The State, Represented by the Sub-Inspector of Police, Peddapuram Police Station.

...Complainant.

And

Karukonda Konda,
S/o Kotanna, Age :51 years,
Caste: Ayyerukula,
D.No.16-6-5,
Near Sobha Theater, Peddapuram Town.

... Accused.

This Case is coming up before me on 12.11.2022, this day in the presence of Assistant Public Prosecutor for Complainant, and Accused appeared in person, this Court delivered the following:

J U D G M E N T

1. The State represented by Sub-Inspector of Police, Peddapuram Police Station, has filed Charge Sheet against the above noted Accused for the offence under Section 272 of IPC and Section 5(1) r/w 22 of Cigarettes and Tobacco Products (Proh. Of Advertisement and Regulation of Trade, Production, Supply and Distribution) Act - 2003 of Peddapuram PS.

2. The Case of the Prosecution, as per the Charge-sheet, in brief, is as follows:-

R.Murali Mohan, Sub-Inspector police, Peddapuram Police Station has filed charge sheet against accused alleging that on 28-08-2022 at about 10:30 A.M, he along with his staff have conducted raid at Nuvvulagunta street, Peddapuram Town, at the place accused are running a pan shop, in the shop accused are used to purchase tobacco packets, Gutka Packets, Khaini packets etc., from unknown person and selling the same in higher price illegally, then he arrested accused and seized Mirage Raja Khaini packets- 45, mirage khaini packets -60, chaini khaini packets -20, vimal pan masala packets – 35, total worth of RS.1,600/-, and seized the same under cover of occurrence report. R.Murali Mohan, SI of police Peddapuram P.S registered the Occurrence report as a case in Cr.No.307/2022 for the offence under Section 272 IPC and Section 5(1) r/w 22 of Cigarettes and Tobacco Products (Pro. Of advertisement and regulation of trade, production, supply and distribution) Act, 2003 and after completion of entire investigation he filed charge sheet.

3. This case was taken on file for the offence under section 272 of I.P.C., of Peddapuram P.S, against the Accused.

4. Accused is present. Copies of case documents are furnished to the Accused under Section 207 of Cr.P.C. Accused is examined under Section 251 of Cr.P.C, and the accusation made out against the Accused for the offence under Section 272 of I.P.C., are read over and explained to him in Telugu, for which the Accused had pleaded guilty.

5. The Accused had voluntarily submitted that he is pleading guilty of the offence. This Court is satisfied that the plea of guilty, taken by the Accused is voluntary, and that there is no influence of Police, or otherwise upon the Accused. Hence, this Court is inclined to convict the Accused under Section 252 of Cr.P.C., for the offence punishable under Section 272 of I.P.C.

6. The Accused is heard regarding the question of sentence, by appraising him of the punishment prescribed under Law. The Accused had submitted that this is his first offence committed by him, and prayed to take lenient view.

7. On perusal of the records, it is clear that the Accused is not the habitual offender. But, the alleged offence committed by the Accused is grave in nature. Considering the facts and circumstances of the case, this Court is of the opinion that sending of the Accused to the Jail to the company of the professional criminals would not serve the purpose of Sentence. Hence, this Court is to take lenient view, and that imposing a sentence of fine would meet the ends of justice.

8. In the result, the Accused is found guilty of the offence punishable under Section 272 of I.P.C., and convicted under Section 252 of Cr.P.C., and sentenced to pay fine of Rs.1,000/-, for the offence under Section 272 of I.P.C; In default of payment of fine of Rs.1,000/-, he shall suffer Simple Imprisonment for one month.

Typed to my Dictation, by the Stenographer, corrected and pronounced by me in the open Court, on this the 12th day of November, 2022.

Additional Judicial Magistrate of First Class,
Peddapuram

APPENDIX OF EVIDENCE

-NIL-

Additional Judicial Magistrate of First Class,
Peddapuram.