

STC.No.306/2019

ORDER

Date: 27.03.2019

The accused produced on petty chargesheet. The gist of the prosecution case is that the accused drove the vehicle AP 01AD 2270 found driving the same under intoxication. Police on 21.05.2018 at 20.06 hrs., at Hamaliwada, Mancherial and conducted breath analyzation test and noticed that the accused was driving the vehicle alcohol content of 70 mg in 100 ml of blood. The accused is present. He is examined u/s.251 CrPC for the offence U/s.185(a) and 196 of MV Act. The accused has admitted the substance of prosecution case and pleaded guilty. I found the admission of guilt by the accused voluntarily. Hence accused is found guilty u/s.252 CrPC for the offence U/s.185(a) and 196 of MV Act. The accused is heard on the quantum of sentence. The learned counsel for accused submitted that the accused has driven a motor vehicle under intoxication, it is first offence and prayed to take lenient view. Whereas the learned APP prayed for maximum sentence. The record reveals that on conducting breath analyzing test the accused was found to be alcohol content i.e. 70 mg/100 ml of blood, which is more than permissible limit of 30 mg/100 ml of blood, however in view of the submissions made across the accused was found to be driving a motor vehicle, thereby sentencing of accused with imprisonment may not be warranted since it is first offence. Thereby imposing of maximum fine would meet ends of justice. In the result, the accused is found guilty and convicted U/s.252 CrPC for the offence u/s.185(a) of MV Act and sentenced to pay fine of Rs.2000/-(Rupees two thousand). And further sentenced to pay a fine of Rs.1000/- for the offence U/s.196 of MV Act. In default of payment of fine, the accused shall be sentenced to undergo simple imprisonment for a period of ten days under each count. Total fine of Rs.3000/-. Apart from this as per sec. 20 and 22 of MV Act, the court is also empower to suspend the driving license of the accused. thereby the license is suspended for a period of 3 months. Accordingly driving license of accused issued by RTA authorities is suspended for 3 months. Address letter to MVI authorities in this regard.

(B.Ramesh)
II Addl. Judl. Magistrate of First Class,
Mancherial