

Exhibit C - 2.

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS 'G' COURT MAPUSA.**

Motor Vehicular Act No. 78/MVA/2022/G.

STATE (Traffic Cell, Mapusa), ... Complainant.

Versus

Vasudev N. Arabekar, ... Accused.

SUBSTANCE OF ACCUSATION

Substance of accusation against you Accused is that on 09.10.2022 at about 21.35 hrs., at Ansabhat Mapusa - Goa, you Accused being the Rider of Activa Scooter bearing no. GA-03-AL-0988, was stopped for driving without wearing helmet and on conversation you was also found without carrying your MDL and you was smelling of alcohol, hence you was subjected to breath analyses test and was having alcohol contain of **62mg/100ml** of Alcohol. Thereby you have committed an offence punishable under Section 194D, 130(1) and section 185 of M. V. Act and within the cognizance of this Court.

P. T. O.

The Substance of Accusation is explained to the Accused in his vernacular language Hindi and which was understood by the Accused and his plea is recorded as under:

Que:- Do you plead guilty?

Ans:- *yes*

Vasudev N. Arabekar

Vasudev N. Arabekar
(Accused)



Pooja S. Desai

(Pooja S. Desai)
Judicial Magistrate First Class
'G' Court, Mapusa.

O R D E R on Exhibit C-2

(Delivered on the 10th day of October, 2022)

The Accused person is present before the Court.

2. The Accused have pleaded guilty to having committing offences under Section 194D, 130(1) and section 185 of M. V. Act. The Accused was explained the consequences of pleading guilty. The Accused was specifically informed that he should not expect any leniency merely because he have pleaded guilty.

3. The Accused was offered time for reflection to reconsider the plea. It is pertinent to note that the accused was served with copies of the present complaint and thereafter was given about 5 days to record the present plea. The Accused, however, submitted that he had fully understood the consequences of pleading guilty and that the plea was well informed. The Accused also submitted that his plea was clear, voluntary and unequivocal and that no further time for reflection was required. I have duly ascertained from the Accused that the substance of accusation explained is fully understood by him. I have also duly ascertained from the

Accused that the plea is voluntary, unambiguous and well informed. I, thus, accept the plea of the Accused and convict the Accused.

4. Considering whether the benefit of the Probation of Offenders Act can be extended to the accused, it is noted that the accused is otherwise law abiding citizens with no criminal antecedents as stated by him. However, being an offence under the MV Act which otherwise affects the public at large, deterrence has to be one of the prime considerations while sentencing the accused. I therefore, do not find it expedient to extend such benefit to the accused.

5. Heard the accused on the point of sentence. It is submitted by the Accused that since the accused have pleaded guilty at the first available opportunity and that the accused is first time offenders, having no prior criminal record; leniency should be shown and should be pardoned by imposing only a sentence of minimum fine.

6. Considering the submissions made, I am inclined to convict the accused and impose a sentence of fine. Hence, I pass the following:-

FINAL ORDER

1. The accused is convicted for committing offence under Section 194D, 130(1) and section 185 of M. V. Act.
2. The accused is sentenced to pay a fine of Rs. 11,500/- (Rupees Eleven Thousand Five Hundred Only), for the offence punishable under section 194D, 130(1) and section 185 of M. V. Act, and in default, to suffer simple imprisonment for Six Months.
3. Nazir to accept the total fine amount of Rs. 11,500/- (Rupees Eleven Thousand Five Hundred only).
4. Accused shall execute a bond of Rs. 2,000/- (Rupees Two Thousand only) each, in terms of section 437-A CrPC.

Dictated and Pronounced in Open Court.

Proceedings closed.

Mapusa - Goa.
Date: 10.10.2022.

M.F*



Before me,

(Pooja S. Desai)

J.M.F.C., 'G', Mapusa - Goa.