

**IN THE COURT OF SH. SHINKU KUMAR, PCS,
JUDICIAL MAGISTRATE IST CLASS, SAMRALA**

CNR No.PBLDC10020202019
CIS No.130 of 2019.
Date of institution: 23.07.2019
Date of decision: 23.11.2021

(Judgment qua accused Sandeep Singh only)

S T A T E

V/S

1. Balvir Singh son of late Kartar Singh
r/o Nathu Heri, P.S. Sandorh, Distt
Sangrur.
2. Sandeep Singh s/o Gurmail Singh r/o
P.S. Dulma, Sandorh, Distt Sangrur.

....Accused.

FIR No. 308 Dated 24.12.2018

Under Sections 454 & 380 of the Indian Penal Code, 1860

Police Station Samrala.

Present: Sh. Harjinder Singh, Ld. APP for the State.
Accused Sandeep Singh on bail with counsel Sh. Kuldeep
Kumar Advocate.
Accused Balvir Singh in custody (not produced by the jail
authorities).

Judgment:

1. The above named accused have been sent up by the SHO of
police Station Samrala to face trial for the commission of offence
punishable under sections 380 & 454 of the Indian Penal Code.
2. The brief facts of the case as put forth by the prosecution is

that on 24.12.2018, ASI Balwant Singh along with other police officials in connection of patrolling were going from village Khirniya to Muskabad. Where, near the Cooperative Society of village Muskabad, Gurbachan Singh came to ASI Balwant Singh (herein called the complainant) and got recorded his statement to the effect that he is resident of above said address and he is doing the business of tempo. On 19.12.2018, he had gone to his duty and thereafter, his son Jagdeep Singh and his daughter in law Ram Piari have also gone to their duties and his wife Gurmeet Kaur has also left the house of complainant at about 12.30 PM for the bhog ceremony in their village. It is further stated that at about 2.10 PM, when he came back to his house then main gate of the house was open and inside the house, the room of the door was broken and thereafter, he informed his wife and children telephonically about the breaking open of the almirah of the house of the complainant. It is further stated that some unknown persons have committed the theft of the gold ornaments along with theft of an amount of Rs.23,000/- from the house of the complainant. It is further stated that he tried to know about the whereabouts of the accused but no clue was found. Upon this statement, prima facie offence under Sections 454 & 380 IPC was made out against the accused. FIR was registered and investigation was pressed into. During investigation accused Balvir Singh confessed the guilt along with other accused. Statements of witnesses were recorded. After the completion of investigation and other formalities, Challan against accused was presented in the court for judicial verdict.

3. Upon the presentation of Challan, the copies of challan and documents attached therewith were supplied to the accused free of costs, as per mandatory requirement of section 207 Cr.P.C.

4. Finding a prima facie case, formal charge for the commission of offence under sections 454 & 380 IPC was framed against the accused, to which accused pleaded not guilty and claimed trial.

5. Today, when the case was fixed for prosecution evidence, accused Sandeep Singh, who is on bail showed his willingness to confess his guilt. Statement of accused Sandeep Singh in this regard got recorded separately.

6. Heard. I am satisfied that accused Sandeep Singh has confessed his guilt voluntarily and without any influence, threat or promise, which in my opinion is sufficient to record the conviction of the accused. Keeping in view the voluntarily confession made by the accused, accused namely Sandeep Singh is hereby convicted under Sections 454 & 380 of the Indian Penal Code. Accused Sandeep Singh, who is on bail, be taken into custody. Let convict be heard on the quantum of sentence..

Pronounced in Open Court
Dated: 23.11.2021

Shinku Kumar, PCS
Judicial Magistrate Ist Class
Samrala, UID No. PB0571.

I attest to the accuracy and
authenticity of this document
Typed by: Sahil
Stenographer G-II

Quantum of Sentence.

Present:- Sh. Harjinder Singh, Ld. APP for the State
Convict Sandeep Singh in custody along with counsel Sh.
Kuldeep Kumar, Advocate.

7. Heard on the quantum of sentence. The convict has pleaded that he is sole bread earner of his family. Convict Sandeep Singh has also pleaded that he has remained in custody in this case for more than one year and prayed for leniency. I have considered the plea taken by the convict, antecedents, age of the convict as well as the facts and circumstances of the case and thus this court is of the opinion that the accused is not entitled for any leniency. Perusal of file shows that convict Sandeep Singh remained in custody in the present case for more than one year. Accordingly, he is sentenced under Sections 380 & 454 of IPC for the kind & period of imprisonment already undergone by him. Therefore, convict Sandeep Singh is ordered to be released from custody in this case only. Case property, if any, be dealt with under rules.

Pronounced in Open Court
Dated: 23.11.2021

Shinku Kumar, PCS
Judicial Magistrate Ist Class
Samrala, UID No. PB0571.

I attest to the accuracy and
authenticity of this document
Typed by: Sahil
Stenographer G-II

CERTIFICATE

Note:- Certified that this judgment contains four pages which are signed by me and which have been directly dictated and typed on computer.

Dated 23.11.2021

Shinku Kumar, PCS
Judicial Magistrate Ist Class
Samrala, UID No. PB0571.

I attest to the accuracy and
authenticity of this document
Typed by: Sahil
Stenographer G-II