

PBLDD10012912023



Presented on : 16-08-2023
Registered on : 16-08-2023
Decided on : 04-04-2024
Duration : 0 years, 7 months, 19 days

**IN THE COURT OF MR. CHINU SHARMA, PCS, JUDICIAL
MAGISTRATE, 1st CLASS, PAYAL.**

CNR No. PBLDD1001291-2023
Date of Instt: 16.08.2023
CIS no. CHI/127/2023
Date of Decision:04.04.2024

State

Versus

Harmandeep Singh son of Gurpreet Singh, resident of Ramgarh Sardara,
Police Station Malaudh. **.....Accused.**

FIR No. 82 of 28.07.2023
U/Sec. 380/411 IPC
Police Station Malaudh.

Present: Ms. Shashi Bala, Learned APP for the State.
Accused Harmandeep Singh on bail represented by Sh. Arun
Kumar Advocate.

JUDGMENT:-

The above named accused have been forwarded by the
SHO, Police Station, Maloudh to face trial for the offence punishable
under Sections 380, 411 of IPC.

2. The brief facts of the case as put forth by prosecution
is that on 28.07.2023 ASI Harjinder Singh along with police party was on
regular patrolling duty in connection of checking of suspicious person.

That they were present near village Saranmajra, Near Bank where Daljit Singh son of Amar Singh got recorded their statement with IO ASI Harjinder Singh. Daljit Singh stated that he is agriculturist by profession and that on 28.07.2023 they had gone to Gurudwara Sahib at village Saharanmajra. At around 6.00 PM while they were inside the Gurudwara Sahib, they saw a young person broke open the lock of the golak and was committing theft of the amount inside the golak. That they caught hold of him and on inquiry he disclosed his name as Harmandeep Singh son of Gurpreet Singh resident of village Ramgarh Sardaran. Finding prima facie case, ruqa was scribed under section 380, 411 IPC for the formal registration of FIR against the accused. The investigation was set into motion. Rough site plan was prepared at the instance of complainant and the statement of witnesses were recorded. The broken lock was taken into the police possession. During investigation, accused person was formally arrested and statement of witnesses were recorded. On completion of investigation and necessary formalities, the challan was presented in Court for trial.

3. Thereafter, on appearance of accused in the court, copies of challan along with other documents, relied upon by prosecution, were supplied to him free of costs as envisaged under Section 207 Cr.P.C. On finding a prima-facie case under Sections 380,411 IPC, requisite charge sheet was served upon the accused accordingly, to which he pleaded not guilty and claimed trial.

4. However, at the **stage of prosecution evidence**, accused **Harmandeep Singh** confessed his guilt and made confessional statement.

However, he was apprised of this fact that the confessional statement may go against him and he is not bound to make so. After being satisfied that he is giving confessional statement voluntarily, the Court recorded his confessional statement.

5. This Court is satisfied that the confession made by the accused Harmandeep Singh is voluntarily, without any undue influence, pressure or coercion from any quarter. In view of the entire facts and circumstances of the present case and plea of guilt of the accused, I hold the above said accused namely Harmandeep Singh guilty of the offence punishable Under Sections 380,411 of IPC. Accused Harmandeep Singh stands convicted for the said offences. Let the convict Harmandeep Singh be taken into custody and heard on the quantum of sentence.

Pronounced in the open Court:-
04.04.2024

(Chinu Sharma, PCS)
Judicial Magistrate Ist Class,
Payal.

QUANTUM OF SENTENCE

Present:- Ms. Shashi Bala, APP for the State.
Convict Harmandeep Singh in custody

I have heard the convict, defence counsel and learned APP for the State on the question of sentence. Contention of defence is that the convict is poor person, first time offender and is sole bread earner of his family so, he may be dealt with leniently. On the other hand, learned APP has opposed the submissions of convict and has submitted that convict does not deserve any leniency. Keeping in view the facts and circumstances of the case as well as nature of the offence, this Court does not find it a fit case where the benefit of probation could be extended to the convict. Accordingly, request so made in this regard stands declined and convict Harmandeep Singh is sentenced to undergo simple Imprisonment for the period already undergone by the convict. Case property be disposed of under rules after the expiry of period of appeal/revision and subject to decision thereof. File be consigned to the record room, after due compliance.

Pronounced in the open Court:-
04.04.2024

(Chinu Sharma, PCS)
Judicial Magistrate Ist Class,
Payal.