

GJMR020093902022



Presented on : 20-12-2022

Registered on : 20-12-2022

Decided on : 20-12-2022

Duration :

**IN THE COURT OF  
CHIEF JUDICIAL MAGISTRATE  
AT ,MORBI  
(Presided Over by M.J.Khan)**

**CC/8466/2022**

**Exhibit No.**

Complainant : Government of Gujarat

**VERSUS**

Accused : HITESHBHAI BABUBHAI VEKARIYA

**Offences punishable under : Section 283 of Indian Penal Code,1860.**

-----  
Learned APP for the State : H.S.Panchal

Learned Advocate for the accused : R.H.Parmar  
-----

**:: ORDER ::**

(1) The incident which gave rise to this case is said to have occurred at the instance of present accused wherein, the said accused has while having the property in his possession caused obstruction to the general public on a public way and thereby, attracting the ingredients of offence U/s 283 of IPC and hence, and the same was registered by the police against the present accused. Thereafter, after the completion of the investigation, it finally culminated into the present charge-sheet.

(2) Thereafter, the accused was summoned before this Court and supplied with the copy of police report and necessary case documents as per Section 207 of Cr.P.C. and thereafter, as per Section 251 of Cr.P.C., the substance of the accusations as alleged against the present accused was stated and the accused thereafter, admitted the substance of the prosecution case and pleaded guilty. On the quantum of sentence, the accused requested the Court that since he is the only earning member of his family and the present offence is the sole offence alleged against him and he will not repeat the same offence and requested to take a lenient view in imposing punishment.

(3) The present offence has been committed by the accused U/s 283 of IPC which takes as under:-

*"Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation shall be punished with fine which may extend to Rs.200/-".*

(4) A perusal of the above said provision would indicate that when an offence has been committed under the said provision, the legislature in its wisdom thought fit to impose fine on the accused.

(5) From the above facts, it is clear that the present accused has blatantly violated the norms of not causing obstruction in a public way and thus, have committed the present offence and pleaded guilty for the same. Hence, it is evident from the confession of the accused that he has committed the present offence, however, the present offence is the sole offence against the present accused and he is the only

earning member of his family. Hence, considering the overall circumstances of the present case, I feel it apposite to pass the following order:-

**::: O R D E R :::**

The present accused person is convicted U/s 252 of Cr.P.C. for the offence U/s 283 of IPC and is hereby ordered to pay a fine of **Rs.200/- ( Two Hundred Rupees )** and in default shall suffer a simple imprisonment of 02 days.

Signed & pronounced on the day of **20<sup>th</sup> day of December,2022.**

Place: Morbi.  
Date : 20/12/2022.

**[ Masroor Jalis Khan ]**  
Chief Judicial Magistrate,  
Morbi  
(UID GJ01098)