

GJMR020093842022



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/8460/2022

Exhibit No.

Complainant : Government of Gujarat

VERSUS

Accused : RASULBHAI ALAVADIN PATHAN

**Offences punishable under : Section 279 of INDIAN PENAL CODE &
177,184 of MOTOR VEHICLES ACT 1988.**

Learned APP for the State : H.S.Panchal

Learned Advocate for the accused : R.H.Parmar

:: ORDER ::

(1) Briefly stated story of the prosecution is that the present accused was driving his vehicle dangerously and in a rash and negligent manner on public way endangering the human life and contravening the provisions of the above Acts, thus the present accused was an errant driver on a public way and likely to cause hurt or injury to any other person, hence, an offence under Section 279 of IPC & Section 177,184 of M.V.

Act was registered against the present accused which after investigation culminated into present charge-sheet against the present accused.

(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, he will not repeat the same offence and requested to take a lenient view in imposing sentence of fine.

(3) A perusal of the above said provisions would indicate that when an offence has been committed under the said provisions, the legislature in its wisdom thought fit to impose punishment or fine or with both.

(4) From the above facts, it is clear that the present accused has blatantly violated the norms of driving on 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. Moreover, the section also provides an alternate of fine in the present case. 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 279 of IPC** and is hereby ordered to pay a fine of **Rs.100/- (Rupees One Hundred)** and under **Section 177 of M.V. Act** to pay a fine of **Rs.100/- (Rupees One Hundred)** and under **Section 184 of M.V. Act** to pay a fine of **Rs.1,000/- (Rupees One Thousand)**, thus, a total amount of fine of **Rs.1200/- (Rupees One Thousand Two Hundred)** and in default shall suffer a simple imprisonment of 02 days.

Signed & pronounced day on **20th day of December, 2022.**

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

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