

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,**  
**KHAMGAON**

*(Presided over by Smt. Harshala.Y.Kawale)*

**S.C.C.NO. 828/2021**  
**EXH. No.**

- 1 Date of Commission of Offence : 11/04/2021
- 2 Date of Report : 11/04/2021
- 3 Name of Complainant : State through Khamgaon city Police Station
- 4 Name of Accused : Shri.Nikhil Vijaykumar Saraf  
 Age :- 28 Yrs, Occu. shop  
 R/at : Wadi, Khamgaon, Buldhana.
- 5 Offence : Under Section 188, 269, 270, 271, 279 of IPC  
 and 51(b) of Disaster management act.
- 6 Particulars of Offence :- That you on 11/04/2021 at Tower chowk Khamgaon you  
 accused without mask drove motorcycle bearing no. MH 28 BC 8780 negligently and  
 rashly and violated guideline issued by authority during corona period and thereby  
 committed an offence punishable under 188, 269, 270, 271, 279 of IPC and 51(b) of  
 Disaster Management Act.

Q.1 Have your received copies of Police Paper?

Ans Yes.

Q.2 Have you understand the particulars of claim?

Ans Yes.

Q.3 Do you plead guilty?

Ans Yes, I do Plead guilty.

Date : 03/08/2021

**(H.Y.Kawale)**  
 Judicial Magistrate First Class  
 Khamgaon

**REASONS**

Accused appeared before me today, he pleads guilty. He appeared along with advocate. I asked him whether he pleads guilty and claimed to be tried. I have informed him the consequences of pleading guilty and also informed that it is not binding on him to plead guilty and if he pleads guilty he may be convicted for the same and he will lose his right to appeal and there will be criminal record against him. Thereafter, I again asked him whether still he wants to plead guilty or claim to be tried to which he answers in affirmative. In spite of informing the consequences of plead guilty, the Accused shows the

firmness and voluntariness and hence I accept his plea as voluntary and hold him guilty. Opportunity of hearing on question of sentence is given to the accused in view of provision 361 of the Cr.P.C. The accused prayed for leniency. So far as section 188 of IPC is concerned the cognizance of the same is barred in view of section 195 of Cr.P.C. Taking into consideration nature of the accusation following sentence meet the ends of justice.

### **ORDER**

1. The Accused namely Mr.Nikhil Vijaykumar Saraf is hereby convicted for an offence punishable under Section 269 of Indian Penal Code vide Section 252 of the code of Criminal procedure 1973 and are hereby sentence to suffer fine of Rs.250/- (Rs. Two hundred and fifty rupees only) in default suffer simple imprisonment of 1 days.
2. The Accused namely Mr.Nikhil Vijaykumar Saraf is hereby convicted for an offence punishable under Section 270 of Indian Penal Code vide Section 252 of the code of Criminal procedure 1973 and are hereby sentence to suffer fine of Rs.250/- (Rs. Two hundred and fifty rupees only) in default suffer simple imprisonment of 1 days.
3. The Accused namely Mr.Nikhil Vijaykumar Saraf is hereby convicted for an offence punishable under Section 271 of Indian Penal Code vide Section 252 of the code of Criminal procedure 1973 and are hereby sentence to suffer fine of Rs.250/- (Rs. Two hundred and fifty rupees only) in default suffer simple imprisonment of 1 days.
4. The Accused namely Mr.Nikhil Vijaykumar Saraf is hereby convicted for an offence punishable under Section 279 of Indian Penal Code vide Section 252 of the code of Criminal procedure 1973 and are hereby sentence to suffer fine of Rs.1000/- (Rs. One thousand rupees only) in default suffer simple imprisonment of 5 days.
5. The Accused namely Mr.Nikhil Vijaykumar Saraf is hereby convicted for an offence punishable under Section 51(b) of Disaster Management Act vide Section 252 of the code of Criminal procedure 1973 and are hereby sentence to suffer fine of Rs.250/- (Rs. Two hundred and fifty rupees only) in default suffer simple imprisonment of 1 days.
6. Accused is discharged for offence punishable under Section 188 of Indian Penal Code
7. Accused shall released forthwith after payment of fine unless required for any other proceeding.
8. A free and immediate copy of this judgment be given to accused person, in view of section 363 (1) of Code of Criminal Procedure, 1973.
9. No muddemal in present case.
10. Case is hereby disposed off.

(Declared and pronounced in open court).

Date : 03/08/2021

**(H.Y.Kawale)**  
Judicial Magistrate First Class  
Khamgaon