

IN THE COURT OF THE ADDL. JUDICIAL MAGISTRATE OF FIRST CLASS AT VIZIANAGARAM

Present: Smt K. RAMYA
Addl. Judicial Magistrate of First Class,
Vizianagaram
FAC: Prl. Junior Civil Judge-cum-Judl. Magistrate of I Class,
Vizianagaram

Saturday, the 9th day of December, 2023

C.C.No.1205/2023

Between:

State represented by the Sub-Inspector
of Police, Bhogapuram Police Station.

....Complainant

And:

1. Pragada Srinivas.
2. Pragada Surya Rao.

.....Accused

This case coming on this day before me for hearing in the presence of learned Assistant Public Prosecutor for State and the Accused appeared in person, upon hearing both sides and having stood over the matter for consideration, till this day, the Court delivered the following:

J U D G M E N T

1. This is a case filed by the Sub Inspector of Police of Bhogapuram Police Station, against the Accused in Cr.No.166/2023 for the offences punishable under Section 447, 379 of IPC.

2. Th case of prosecution, in nutshell :

On 3.6.2023 LW3-SI of Bhogapuram PS along with LW1 and 2 i.e., two PCs found A1 at 11.30 hours at Akkivaram junction, Bhogapuram while he was transporting sand in Tractor No.AP35X4547 and truck AP35X4316 which was loaded by him from Champavathi river under the instruction of owner of the said vehicle i.e., A2 without any Government permission. On that LW3 SI of police seized the property under the cover of occurrence report and registered case in Cr.No.166/2023 u/s 447, 379 of IPC and issued Sec.41(a) Cr.P.C., notice to A1 and A2.

3. On receipt of Charge Sheet, this Court took the case into Cognizance against the Accused for the offences punishable under Section 447, 379 of IPC.,

4. On appearance of the Accused, copies of case documents were furnished to him as contemplated under Sec.207 of Code of Criminal Procedure 1973 [herein after referred to as Cr.P.C for brevity].

5. The Accused was examined under Sec.239 of Cr.P.C., for which he admitted the charge sheet allegations leveled against him. On perusal of the record, charges for the

offence u/s 447, 379 r/w 109 of IPC against the accused have been framed, read over and explained to him in Telugu for which they pleaded guilty and did not claim to be tried.

6. On enquiring the accused, this court feels that the admission made by the accused is voluntary one and this court did not find any threat, coercion or influence upon Accused. Hence, this court is satisfied on admission of accused with regard to the offence u/sec.447, 379 r/w 109 of IPC. The court finds imposing fine and admonition would meet the ends of justice.

7. When the accused is questioned about the quantum of sentence, he submitted that he is ill-iterate poor person and he has no knowledge of new sand policy of the Government and he is the sole bread winner of his family and begged the mercy of the court in imposing less punishment and promised not to commit such offences in future.

8. ***In the result***, A1 and A2 are found guilty for the offence punishable under Sections 447 and 379 of IPC and they are convicted U/s 241 Cr.P.C. for the said offence and A1 is sentenced to pay fine of Rs.5500/- (Rupees five thousand and five only) for the offence under Section 379 of IPC i/d SI for seven days and also A1 is sentenced to pay fine of Rs.500 /- (Rupees five hundred only) for the offence under Section 447 of IPC i/d SI for seven days. A2 is sentenced to pay fine of Rs.8500/- (Rupees eight thousand and five only) for the offence under Section 379 of IPC i/d SI for seven days and also A2 is sentenced to pay fine of Rs.500 /- (Rupees one thousand only) i/d SI for seven days for the offence under Section 447 of IPC. (Total fine amount of Rs.15,000/- (Rupees fifteen thousand only))

Property which was given towards interim custody as per the orders of this court holds good after appeal time is over.

The concerned SHO is directed to confiscate the sand and remit the sale proceeds and submit the report to this court within 15 days.

Typed to my dictation by the Stenographer, corrected and pronounced by me in open Court this the 9th day of September, 2023.

Sd/- B. Ramya
ADDL. JUDL. MAGISTRATE OF I CLASS,
VIZIANAGARAM.
FAC: Prl. Junior Civil Judge, Vizianagaram.

Appendix of Evidence
Witnesses Examined

No oral or documentary evidence is adduced on either side.

Sd/- B. Ramya
ADDL. JUDL. MAGISTRATE OF I CLASS,
VIZIANAGARAM.
FAC: Prl. Junior Civil Judge, Vizianagaram.