

In The Court of Additional Special Mobile Magistrate, Kishtwar

File No :- 30/Challan

D.O.I.: 12-12-2022

D.O.D: 18-08-2023

In the Case of:-

U.T. through SHO P/S Kishtwar
Case F.I.R No. 233/2022 of P/S Kishtwar
Under Section 279 and 337 of IPC.

VERSUS

Yasir Arfat S/o Shokat Ali R/o Hunjalla Tehsil and District Kishtwar

..... Accused

Coram: Kartar Singh (J.O. Code: - JK00283)

Appearance:

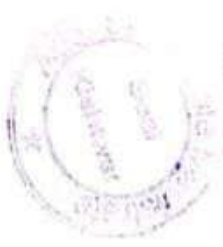
APP Mr. Vinay Sharma for the UT.

Advocate Mr. Shaik Saroori for the accused.

ORDER

1. The instant police challan has arisen out of investigation into the FIR No.233/2022 of P/S Kishtwar in which accused is alleged to have committed the offences punishable under sections 279, 337 of IPC.
2. The case of the prosecution is that on 28.09.2022, the accused was driving the vehicle in a rash and negligent manner as to endanger the human life and on reaching near Zelna Kishtwar, he couldn't control the speed of his vehicle which was being driven by him and thereby caused accident in which one minor boy sustained injuries.
3. The accused and the mother of victim child have moved two applications through their counsel i.e. application seeking permission of this Court to compound the offence punishable under Section 337 of IPC by mother on behalf of minor boy and, the application for compounding the offence under Section 337 IPC. The accused has moved application to make confession for the offence punishable under Section 279 IPC.

4. Since the offence punishable under Section 337 of IPC is compoundable in nature with permission of the Court on behalf of minor. Permission sought is granted and in view of statement of mother of injured child, the offence punishable under Section 337 of IPC is compounded, as a sequel thereto the accused is acquitted of offences punishable under section 337 of IPC.
5. The accused has also moved the application for making the confession for the commission of offence punishable under Section 279 IPC. The notice of accusation was stated to the accused. The accused has pleaded guilty for the offence punishable under Section 279 of IPC. He has stated that he is confessing his guilt freely without any threat or any coercion. He has also stated that he is first time offender therefore, lenient view may kindly be taken. The accused was warned of the consequences of making his confession, but he still insisted to record his confessional statement.
6. In view of confession, the accused is held guilty for the offence punishable under section 279 of I.P.C.
7. I have heard the counsel for convict and learned APP on the quantum of sentence. Counsel for Convict submitted that he is first time offender and has compounded the matter with guardian of injured child, therefore deserves, lenient view to the extent of fine only. Learned APP demanded strictest punishment for the convict to deter him and other like-minded persons from committing crimes in future. It is submitted by the Ld. APP that convict has injured minor boy on his face and it has become a routine manner for the convict like person to cause accident and come to Court to make confession and get sentence of fine only. He submits that accidents are on alarming rate in Kishtwar district due to the careless and negligent driving of convict like persons.
8. Considering the aggravating as well as the mitigating factors of the case, the convict Yasir Arfat is sentenced to undergo simple imprisonment for a period of 11 days for the commission of offence punishable under Section 279 of the Indian Penal Code. The convict has been informed of his right to appeal against conviction and sentence. The convict is ordered to be taken into custody forthwith be lodged in Kishtwar Jail to serve the awarded imprisonment. Office to issue separate warrant of commitment. Copy of this judgement is provided to the convict in the Open Court.
9. The surety bond and personal bond already furnished shall stand discharged/cancelled. The case is accordingly disposed of on contest. Be consigned to records under rules.
10. Given under my hand and seal of this Court on this 18th of August, 2023. Announced in Open Court.



Copy forwarded to APP of this court for record.
702/AS NMP/ Dt. 18/8/23

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(Kartar Singh)
Additional Special Mobile Magistrate
Kishtwar.