



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO.880 OF 2024

Sumit s/o Vijay Mandan,
Aged about 25 years,
Occupation – Student,
R/o. Santoshi Mata Nagar,
Taluka Manora,
District Washim 444404

...PETITIONER

VERSUS

State of Maharashtra
through Police Station Officer,
Karanja City,
Taluka Karanja,
District Washim

...RESPONDENT

Mr. G.S. Dhaye, Advocate for the petitioner.
Mr. A.G. Mate, APP for the State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JANUARY 30, 2025.

ORAL JUDGMENT :

RULE. Rule made returnable forthwith. Heard finally with
the consent of learned Counsel for the parties.

2. Being aggrieved with the judgment and order dated 07/07/2017 in SCC No.991/2017 passed by the Judicial Magistrate First Class, Karanja Lad convicting the present petitioner under Section 110 read with Section 117 of the Bombay Police Act, the present writ petition is filed.

3. Learned Counsel for the petitioner submitted that the petitioner was 18 years of age at the relevant time and was standing near one temple. Police came there and took him along with them. He was unable to understand the nature of the proceeding and being the layman he has admitted before the court regarding the guilt, and therefore, the Court has convicted him. He submitted that, at the relevant time, the petitioner was unable to understand the consequence of his act. In fact, he was not involved in such type of the act. Now, the present petitioner is having the job offer and this conviction is coming in his way due to which he would loose his job and his entire career will ruin.

4. *Per contra*, learned APP strongly opposed the said petition and prayed for dismissal of the petition.

5. I have gone through the impugned judgment and find that the Judicial Magistrate First Class accepted the plea raised by the petitioner on the ground that he has accepted his guilt. Admittedly, the petitioner was 18 years of age at the relevant time and was unable to understand the consequence of his act. The petitioner was in his prime youth and was a layman as he was unable to understand the consequence of his activities as well as he was unaware about the legal provisions. Unless there is some other material on record to show that the petitioner had knowledge about the court proceeding and the consequences of admitting the guilt, his plea could not be turned down. It appears that in a peculiar facts of this case, though it is alleged that the behaviour of the petition was against the norms of the society, and therefore, he was brought by the police. The possibility of admitting the guilt due to the pressure of the police also cannot be ruled out. Moreover, there is no other offence of similar conduct has been reported against the present petitioner. Under such circumstances, the conviction recorded thereupon by imposing a fine of Rs.100/- requires to be quashed and set aside. In view of that, I proceed to pass the following order:

- (i) The writ petition is allowed.

(ii) The impugned judgment and order passed by the Judicial Magistrate First Class, Karanja Lad in S.C.C. No.991/2017 dated 07/07/2017 sentencing him to pay a fine of Rs.100/- is hereby quashed and set aside.

(iii) The proceeding in S.C.C. No.991/2017 dated 07/07/2017 is remitted back to the trial Court who shall hold a summary enquiry and decide the same within four months.

6. The petition is disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*