

IN THE COURT OF SH. ANKUR JAIN-1: ADDITIONAL
SESSIONS JUDGE-04, CENTRAL, TIS HAZARI COURTS,
DELHI.



CA NO: 264/2023

RONU KUMAR
R/o H.No. R-49A, Naya Tola,
Kalyani Maharaj Puri,
Sahiba Ganj, Jharkhand, India

....Appellant

Versus

THE STATE

..... Respondent

Date of Institution of Appeal	: 21.10.2023
Date on which order reserved	: 16.04.2026
Date on which order pronounced	: 05.06.2026
Final Order	: Partly Allowed.

ORDER:-

1. The present order shall dispose of the appeal filed by accused who has been convicted for the offence punishable u/s 145(b)/147 of the Railway Act and has been sentenced to undergo 60 days.
2. The brief facts of the case are that a Kallandra u/s 145(b)/147 of Railway Act was presented to the Railway Magistrate alleging that on 09.10.2023 accused had committed

theft of the mobile phone and after committing the same he was running away and was caught. When the passenger from whom the mobile was stolen was asked to go to the office of GRP NDLS he refused and after taking the phone left in the train. When the concerned official had taken the accused to the office of GRP they refused to take any action in the absence of the complainant and the mobile phone. The official asked the accused to produce any document for coming in Railway Area, which he was unable to do so and accordingly Kallandra was prepared and he was arrested for committing an offence punishable under 145(b) of Railway Act. The accused/appellant was produced before the Railway Magistrate and vide entry at serial no. 8110 the accused pleaded guilty and instead of fine he was sentenced to a period of 60 days. Hence, the present appeal.

3. Ld. counsel for the appellant has argued that the Ld. MM has awarded sentence of 60 days which is on the harsher side and does not commensurate with Railway Rules. It is submitted that the accused may be acquitted.

4. On the other hand, Ld. counsel for the State/respondent submits that there is no illegality or perversity in the order of Ld. Trial court.

5. I have heard Ld. Counsels for the parties and perused the record.

6. Section 145 (b) of the Railway act provides for punishment for a person who commits any nuisance or act of indecency or uses abusive or obscene language. The said person can be imprisonment for a term which may extent to 6 months and with fine.

7. Section 147 provides for punishment of any person who enters into any part of the Railway Property without lawful authority. In the present case from the grounds of appeal, it so appears that appellant is not aggrieved by the conviction rather he is aggrieved by the sentence so imposed. In the body of the appeal it is stated that the railway police while producing the appellant before the Railway Magistrate was informed that he has been challaned for “without ticket” and a fine would be imposed if he pleads guilty. However, when the appellant pleaded guilty he was sentenced to 60 days. The plea of guilt have been recorded in the STR Register. No fault can be found with the conviction of the appellant so recorded.

8. The nominal roll of the appellant reflects that he has spent 1 month 18 days in judicial custody in the present Kallandra.

Accordingly the appellant is sentenced to the period already undergone and the sentence of the appellant stands modified to that extent. With the above said observation the appeal stands partly allowed.

9. Appeal file be consigned to Record Room.

10. Copy of this order along with TCR be sent back to the Ld. Trial Court for information and be also sent to the Jail Superintendent concerned.

**Announced on this
05th day of June, 2026**

**(ANKUR JAIN-I)
ASJ-04/Central/Delhi.**

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