

IN THE COURT OF METROPOLITAN MAGISTRATE,
36th COURT MUMBAI CENTRAL, MUMBAI.

C. C. NO. 7/SW/2021.

Exh. :-

The Union of India,
Through Railway Protection Force,
R.P.F. Churchgate, Mumbai.
(C. R. No. 3303/2019).

.... Complainant.

V/s.

- 1 Ashok Raghunath Fadke.
Age :- 60 Years., Occupation :- Nil.
R/o. :- Charni Road (E), Mumbai.

- 2 Aditya Ashok Fadke.
Age :- 22 Years., Occupation :- Nil.
R/o. :- Charni Road (E), Mumbai.

.... Accused.

Charge :- Punishable under section 143 of the Railways Act, 1989.

JUDGMENT

(Delivered on 17th day of March, 2022)

Today accused No.1 and 2 are present before the Court. Both accused voluntarily pleads guilty. I therefore, hold both accused guilty for the offence punishable under section 143 of the Railways Act, 1989 and proceed to hear them on the point of sentence.

2. Both accused submitted that they are poor persons and the only income source of their families and requests to take lenient view, while imposing sentence upon them.

3. Considering the nature of offence and the grounds put forth by the accused, I am of the view that the following sentence would be sufficient to meet the ends of justice. Hence, I pass the order :

ORDER

(01) Accused No.1. Ashok Raghunath Fadke and No.2.
Aditya Ashok Fadke are hereby convicted for the

offence punishable under section 143 of the Railways Act, 1989 vide section 246 (3) of the Code of Criminal Procedure and they are sentenced to pay fine amount of ₹ 10,000/- (Ten Thousand) each in default of payment of fine both accused shall suffer Simple Imprisonment for 02 (Two) Month each.

- (02) Out of total fine amount of ₹ 20,000/- (Twenty Thousand), an amount of ₹ 4,000/- (Four Thousand) be given to western railway, as a compensation vide section 357 (1) of Criminal Procedure Code.
- (03) The seized 61 Tickets and 1 Certificate of IRCTC, be destroyed after the appeal period is over.
- (04) The seized 1 MI made mobile handset and 1 CPU, if in working condition be auctioned and proceeds of sale be credited to Western Railway's account, as per rules. If these articles are not in working condition it be disposed of as per the rules after the appeal period is over and its report be submitted with the Court.
- (05) The seized 1 e-Token, be returned to Railway Authority, as per rules.
- (06) The seized ticket amount be confiscated to the Western Railway.

(07) Both accused to surrender their bail bonds, if any.

(08) Copy of judgment be given to both accused free of cost.

Sd/-

(J. C. Dhengale)

Metropolitan Magistrate
36th Court, Mumbai Central,
Mumbai.

Date :- 17/03/2022.
SRD.