

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

C. C. NO. 3/SW/2021.

Exh. :-

The Union of India,
Through Railway Protection Force,
R.P.F. Mumbai Central (Local), Mumbai.
(C. R. No. 1646/2020).

.... Complainant.

V/s.

Rohit Rajkumar Dhingra.
Age :- 46 Years., Occupation :- Nil.
R/o. :- Tardeo Road, Mumbai.

.... Accused.

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

JUDGMENT

(Delivered on 16th day of September, 2022)

Today accused is present before the Court. The accused voluntarily pleads guilty. I therefore, hold accused guilty for the offence punishable under section 143 of the Railways Act, 1989 and proceed to hear him on the point of sentence.

2. I have heard the accused and his Ld. Advocate Mr. Govind Shetty, so also, Ld. P.P. Mr. Tripathi for prosecution, on the point of sentence. The Ld. Counsel for the accused has submitted that it is the first offence of the accused. The accused is only earning member of his family. No purpose would be served by imposing substantive sentence, hence, only fine amount may kindly be imposed. On the contrary, the Ld. P. P. has submitted that no any specific ground is mentioned in the application to take lenient view. He has further submitted that the accused continuously indulged himself in the said business in full fledge and therefore he is not entitled for leniency. Hence, he prays for maximum sentence.

3. Heard both sides. It is submitted that the accused has pleaded guilty voluntarily and has accepted his guilt. I have also gone through the record. 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 following order :

ORDER

- (01) Accused viz. Rohit Rajkumar Dhingra is hereby convicted for the offence punishable under Section 143 (I) of the Railways Act, 1989 vide section 246 (3) of the Code of Criminal Procedure and he is sentenced to suffer Rigorous Imprisonment for 03 (Three) Months and to Pay fine of ₹ 5,000/- (Five Thousand) in default of payment of fine accused is sentenced to suffer Simple Imprisonment for 01 (One) Month.
- (02) Out of the fine amount, an amount of ₹ 2,000/- (Two Thousand) be given to western railway, as a compensation vide section 357 (1) of Criminal Procedure Code.
- (03) Accused to surrender his bail bonds.
- (04) The seized Tickets, A4 size paper be destroyed after the appeal period is over.
- (05) The seized 1 Nokia made mobile handset and 1 HP made Laptop, if in working condition be auctioned and proceeds of sale be credited to Western Railway's

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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.

(06) The seized ticket amount be confiscated to the Western Railway.

(07) Copy of judgment be given to the accused free of cost.

Sd/-

(B. K. Gawande)

Date :- 16/09/2022.
SRD.

Metropolitan Magistrate, 36th Court,
Mumbai Central, Mumbai.