

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

C. C. NO. 66/SW/2022.

Exh. :-

The Union of India,
Through Bandra Terminus Railway Protection
Force, Bandra, Mumbai.
(C. R. No. 238/2022).

.... Complainant.

V/s.

1 Mohd. Umar Abdul Kayyum Ansari
Age :- 36 Years., Occupation :- Business.
R/o. :- Bandra (E), Mumbai

.... Accused.

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

JUDGMENT

(Delivered on 11th day of August, 2023)

The accused is present before the Court with his Ld. Counsel Shri. Shetty. The accused voluntarily pleads guilty vide application Exh.04. I therefore, hold accused guilty for the offence punishable under section 143 (a) of the Railway Act, 1989 and proceed to hear him on the point of sentence.

2. I have heard the Ld. Counsel Shri. Shetty for the accused. He has submitted that, accused will not commit such type of offence in future. Accused is the only earning member of his family and therefore he prays for leniency. I have also heard the Ld. Sr. P.P.. He has submitted that, maximum fine sentence may be imposed.

3. I have gone through the submissions, made by the defence counsel and also made by the prosecution. Considering the nature of offence, I am of a view that, accused is not entitled for the benefit of probation. In such circumstance, I am of a view that, the following sentence would be sufficient to meet the ends of justice. Hence, I pass the order :

ORDER

- (01) The accused viz. Mohd. Umar Abdul Kayyum Ansari is hereby convicted for the offence punishable under section 143 (a) of the Railways Act, 1989 vide section 246 (3) of the Code of Criminal Procedure and he is sentenced to Pay fine of ₹ 8,000/- (Eight 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 ₹ 3,000/- (Three Thousand) be given to western railway, as a compensation vide section 357 (1) of Criminal Procedure Code.
- (03) The accused to surrender his bail bonds.
- (04) The seized 01 no. live E-ticket, 17 nos. used E- tickets and A4 size paper having 01 User ID be destroyed, as per rules, after the appeal period is over.
- (05) The seized Samsung mobile phone has already been given to the accused. It shall made absolute and indemnity bond shall stands cancelled after appeal period is over.
- (06) The seized ticket amount be confiscated to the Western Railway if any.
- (07) Copy of judgment be given to the accused free of cost.

Sd/-

(B. K. Gawande)

Metropolitan Magistrate,

36th Court, Mumbai Central, Mumbai.

Date :- 11/08/2023.
ASS.