

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

C. C. NO. 64/SW/2022.

Exh. :-

The Union of India,
Through Railway Protection Force,
R.P.F. Andheri, Mumbai.
(C. R. No.4/2022).

.... Complainant.

V/s.

1. Laxman Mohanlal Marwadi.
Age :- 30 Years., Occupation :- Nil.
R/o. :- Bandra (W), Mumbai.

2. Nijam Aslam Khan.
Age :- 19 Years., Occupation :- Nil.
R/o. :- Bandra (W), Mumbai.

3. Mohd. Aashif Yusuf Khan.
Age :- 33 Years., Occupation :- Nil.
R/o. :- Bandra (W), Mumbai.

.... Accused.

Charge :- Punishable under section 3 of the Railway Property
(Unlawful Possession) Act, 1966.

JUDGMENT

(Delivered on 08th day of June, 2022)

Today the accused No.1, 2 and 3 are present before the Court through video conferencing mode. All accused voluntarily pleads guilty. I therefore, hold all accused guilty for the offence punishable under section 3 of the Railway Property (Unlawful Possession) Act, 1966 and proceed to hear them on the point of sentence.

2. I have heard all accused on the point of sentence.

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

4. Accused are a poor persons, the muddamal property involved in the crime is meager and therefore lenient view needs to be

taken while imposing sentence upon all accused. In the circumstances above the following sentence would be sufficient to meet the ends of justice. Hence, order.

ORDER

(01) The accused No.1. Laxman Mohanlal Marwadi, No.2. Nijam Aslam Khan and No.3. Mohd. Aashif Yusuf Khan are convicted for the offence punishable under section 3 of the Railway Property (Unlawful Possession) Act vide section 246 (3) of the Code of Criminal Procedure and they are sentenced suffer Rigorous Imprisonment for 03 (Three) Months each and to pay fine of ₹ 5,000/- (Five Thousand) each in default of payment of fine all accused shall suffer Simple Imprisonment for 01 (One) Month each.

(02) The period of detention, if any undergone by all accused during investigation / inquiry or trial of the case, be set off from the term of imprisonment imposed on them vide section 428 of the Code of Criminal Procedure.

(03) Case to proceed against other accused No.4. Jamil Sikander Mulla.

(04) Copy of judgment be given to all accused free of cost.

Sd/-

(B. K. Gawande)

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

Date :- 08/06/2022.
SRD.