

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

C. C. NO. 63/SW/2022.

Exh. :-

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

.... Complainant.

V/s.

5. Toufiq Navsad Khan.
Age :- 36 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 25th day of January, 2023)

Today the accused No.5. is present before the Court along with his Ld. Counsel shri H. A. Vora. The accused voluntarily pleads guilty Vide Application Exh. 10. I therefore, hold accused guilty for the offence punishable under section 3 of the Railway Property (Unlawful Possession) Act, 1966 and proceed to hear him on the point of sentence.

2. I have heard the Ld. Counsel Shri H. A. Vora for the accused. He has submitted that the accused is poor person. The accused is receiver of stolen property in the said case. Co accused have already been pleaded guilty. The accused is only income source of his family and requests to take lenient view, while imposing sentence upon him.

3. Accused is a poor person, the muddemal property involved in the crime is meager and therefore lenient view needs to be taken while imposing sentence upon the accused. In the circumstances above the following sentence would be sufficient to meet the ends of justice.

Hence, order.

ORDER

- (01) The accused No.5. Toufiq Navsad Khan, is 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 he is sentenced 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) The period of detention, if any undergone by the accused during investigation / inquiry or trial of the case, be set off from the term of imprisonment imposed on him vide section 428 of the Code of Criminal Procedure.
- (03) The seized muddemal property be returned to the authorized person of concern department of Western Railway, after appeal period is over.
- (04) Copy of judgment be given to accused free of cost.

Sd/-

(B. K. Gawande)

Date :- 25/01/2023.
ASS.

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