

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

C. C. NO. 59/SW/2022.

Exh. :-

The Union of India,
Through Railway Protection Force,
R.P.F. Andheri, Mumbai.
(C. R. No.03/2022).

.... Complainant.

V/s.
Haider Ali Mohd. Ali Shaikh.
Age :- 22 Years., Occupation :- Carpenter.
R/o. :- Andheri (E), Mumbai.

.... Accused.

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

JUDGMENT

(Delivered on 11th day of November, 2022)

Today the accused is produced before the Court in view of execution of Non Bailable Warrant. The accused voluntarily pleads guilty. 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. Advocate for accused and accused, so also, Ld. P.P. on the point of sentence. The Ld. Counsel for the accused has submitted that the property seized from the accused as alleged is worth of ₹ 600/- (Six Hundred) only. Hence, sentence of minimum fine amount may be imposed only. I have also heard the Ld. P. P. He has submitted that considering the value of the property sentence of fine amount would be sufficient and it would meet the ends of justice.

3. Accused is a poor person, the meager 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 viz. Haider Ali Mohd. Ali Shaikh 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 ₹ 1,000/- (One Thousand) in default of payment of fine the accused shall suffer Simple Imprisonment for 07 (Seven) Days.
- (02) The accused to surrender his bail bonds.
- (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)

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

Date :- 11/11/2022.
SRD.