

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

C. C. NO. 43/SW/2019.

Exh. :-

The Union of India,
Through Railway Protection Force,
R.P.F. Bandra Local, Mumbai.
(C. R. No. 5153/2018).

.... Complainant.

V/s.

Hasin Ahmad Nafis Ahmad Shaikh.
Age :- 30 Years., Occupation :- Nil.
R/o. :- Mahim (E), Mumbai.

.... Accused.

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

JUDGMENT

(Delivered on 13th day of July, 2021)

Today the accused viz. Hasin Ahmad Nafis Ahmad Shaikh is present before 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. The accused submits that he is poor person and the only income source of his family and requests to take lenient view, while imposing sentence upon him.

3. 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 order :

ORDER

(01) The accused viz. Hasin Ahmad Nafis Ahmad Shaikh is convicted for the offence punishable under section 143 of the Railways Act, 1989 vide section 246 (3) of the Code of Criminal Procedure and he is sentenced to pay fine of ₹ 10,000/- (Ten Thousand) in default of payment of fine the accused shall suffer Simple Imprisonment for 02 (Two) Months.

- (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) Seized e-Tickets, 1 Booking diary be destroyed, as per the limitation of destruction of record, as per Criminal Manual, if those are filed in the proceeding.
- (04) Seized 1 MI Note 5 Pro made mobile handset and 1 Samsung 1600 made mobile handset and 1 Intex made CPU and 1 Airtel made Dongle, if are in working condition it be auctioned and proceed thereof be credited to government account, as per rules.
- (05) Seized 1 MI Note 5 Pro made mobile handset and 1 Samsung 1600 made mobile handset and 1 Intex made CPU and 1 Airtel made Dongle, if are not in working condition it be disposed off, as per rules.
- (06) The seized 1 Justclick IRCTC E-Token be returned to Railway Authority, as per rules.
- (07) The seized cash amount of ₹ 1,420/- (One Thousand Four Hundred and Twenty) be credited to government account, as per rules.
- (08) The seized ticket amount be confiscated to the Western Railway.

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(09) The accused to surrender his bail bonds.

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

Sd/-

(J. C. Dhengale)

Metropolitan Magistrate
36th Court, Mumbai Central,
Mumbai.

Date :- 13/07/2021.
SRD.