

**IN THE COURT OF 36<sup>th</sup> METROPOLITAN MAGISTRATE,**  
**MUMBAI CENTRAL, MUMBAI.**

**Case No.: 41/SW/2019**

**Exh. 02**

- 01) Date of commission of Offence : 11/03/2019.
- 02) Date of Report : 11/03/2019.
- 03) Name of the informant The Union of India,  
with present age and residence. : through Railway Protection Force, RPF Dadar (WR) (C. R. No. 03/2019).
- 04) Name of the accused with present age and residence. : Raju Hari Rathod.  
Age : 33 Yrs., Occ.: Nil,  
R/o.: Near Box No. 8 Footpath,  
Near Dadar Station (W),  
Mumbai.
- 05) Particulars of the Offence : That on 11.03.2019, at about 15.30 hours, Mahim Station Road, Near Ganesh Temple, Mahim (E), Mumbai you were found in possession of railway property i.e. 1) 05 Units Rail Screws Spike, 2) 02 Units Rail Road Spike, 3) 07 Units Iron Nuts, 4) 01 Unit Iron Walt, 5) 02 Units small pieces of 'L' type Angles, 6) 01 Unit Iron Bar, 7) 01 Unit Iron Triangle weight 22 K.g. and the said property is suspected to be stolen railway property and or obtained unlawfully for which you cannot give any satisfactory account and thereby committed an offence punishable under section 3 Railway Property (Unlawful Possession) Act, 1966 and within my cognizance.

And, I hereby direct that you be tried by me on the said charge.

**Sd/-**

**(S. R. Narwade)**

Metropolitan Magistrate,  
36<sup>th</sup> Court, Mumbai Central,  
**Mumbai.**

Date : 23.04.2019.

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**Statement of the accused**

1) Have you received case paper/ police challan?

Ans. Yes.

2) Do you understood the particular of offence now read over and explained you in vernacular?

Ans. Yes.

3) Do you plead guilty?

Ans. Yes, I plead guilty.

Signature/ T.I. of the accused

Date : 23.04.2019.

**Sd/-**

**(S. R. Narwade)**

Metropolitan Magistrate,  
36<sup>th</sup> Court, Mumbai Central,  
**Mumbai.**

**JUDGMENT**

(Delivered on 23<sup>rd</sup> day of April, 2019)

The accused voluntarily pleads guilty. Therefore, the accused is liable to be convicted. The accused submits that he is poor person. He further submits that only earning member of his family. Therefore, the accused prayed for leniency. Considering submissions of the accused, in my view, lenient view will have to be taken, while imposing sentence. The record goes to show that the accused was found in possession of railway property of Rs.440/- (Four Hundred and Forty). Therefore, in my view, it would not just and proper to punish the accused, severely. Hence, I impose less sentence than prescribed. Therefore, I pass the order :

**ORDER**

- (01) The accused Raju Hari Rathod, R/o.: Near Box No. 8 Footpath, Near Dadar Station (W), Mumbai, 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 suffer Rigorous Imprisonment for 03 (Three) months.

- (02) Set off under section 428 of the Code of Criminal Procedure be given to the accused in sentence from 11.03.2019 till date.
- (03) The seized property be returned to the concern department of Western Railway.

Date : 23/04/2019.  
SRD.

**Sd/-**  
**(S. R. Narwade)**  
Metropolitan Magistrate,  
36<sup>th</sup> Court, Mumbai Central,  
**Mumbai.**