

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

Case No.: 48/SW/2019

Exh. 02

- 01) Date of commission of Offence : 01/01/2019
- 02) Date of Report : 01/01/2019
- 03) Name of the informant : The Union of India,
with present age and residence. : through Railway Protection Force, Bandra Terminus, Mumabi, (C. R. No. 01/2019)
- 04) Name of the accused : Anwar Rajjak Shaikh, Age : 35
with present age and residence. Yrs., Occ. Nil, R/o.: Golibar Road, Nehru Nagar, Building No. 14, Room No. 1513, Santacruz, Mumbai-55.
- 05) Particulars of the Offence : That, on 05/04/2019, at about 20.50 hours, in running train – Intercity Express No. 12935, Bandra Terminus to Borivali, you were found in possession of railway property i.e. 4 No. Flash Walt. 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 of the 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,
36th Court, Mumbai Central,
Mumbai.

Date : 10/05/2019
SRD.

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

Sd/-

(S. R. Narwade)

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

Date : 10/05/2019
SRD.

JUDGMENT

(Delivered on 10th day of May, 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. 320/- (Three Hundred Twenty). 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 namely Anwar Rajjak Shaikh, R/o.: Golibar Road, Nehru Nagar, Building No. 14, Room No. 1513, Santacruz, Mumbai-55, 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 05/04/2019 till date.
- (03) The seized property be returned to the concern department of Western Railway.

Sd/-

(S. R. Narwade)

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

Date : 10/05/2019
SRD.