

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

C. C. NO. 35/SW/2019.

Exh. :-

The Union of India,
Through Railway Protection Force,
R.P.F. Mumbai Central Local, Mumbai.
(C. R. No. 5730/2018).

.... Complainant.

V/s.

Harishkumar Jagdishprasad Gupta.
Age :- 52 Years., Occupation :- Nil.
R/o. :- Walkeshwar, Mumbai.

.... Accused.

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

JUDGMENT

(Delivered on 29th day of September, 2021)

Today the accused is present before the 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. Harishkumar Jagdishprasad Gupta 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 ₹ 05,000/- (Five Thousand) in default of payment of fine the accused shall suffer Simple Imprisonment for 01 (One) Month.

- (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) The seized Tickets, 9 Booking Slips, 1 Visiting Card be destroyed, as per the limitation of destruction of record, as per Criminal Manual, if those are filed in the proceeding.
- (04) The seized 1 mobile handset and 1 C.P.U., if are in working condition it be auctioned and proceed thereof be credited to government account, as per rules.
- (05) The seized 1 mobile handset and 1 C.P.U., if are not in working condition it be disposed off, as per rules.
- (06) The seized 1 IRCTC Dongle, be returned to Railway Authority, as per rules.
- (07) The seized cash amount of ₹ 2,020/- (Two Thousand and Twenty) be credited to government account, as per rules.
- (08) The seized ticket amount be confiscated to the Western Railway.

(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 :- 29/09/2021.
SRD.