

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

C. C. NO. 29/SW/2019.

Exh. :-

The Union of India,
Through Railway Protection Force,
R.P.F. Bandra Terminus, Mumbai.
(C. R. No. 2070/2018).

.... Complainant.

V/s.

Wajir Kabir Shaikh.

Age :- 36 Years., Occupation :- Nil.

R/o. :- Antophill, Mumbai.

.... Accused.

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

JUDGMENT

(Delivered on 10th day of November, 2022)

Today accused is produced 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. 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 in this case the value of the property is very meager one. Therefore, the sentence of minimum fine may be imposed. I have also heard the Ld. P. P. He has submitted that sentence may be imposed according to law.

3. The accused submitted that he is poor person and the only income source of his family and requests to take lenient view, while imposing sentence upon him.

4. Considering the nature of offence and the grounds put forth by the accused, so also, considering the valuation of the seized

property, 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) Accused viz. Wajir Kabir Shaikh is hereby 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 ₹ 5,000/- (Five Thousand) in default of payment of fine accused is sentenced to suffer Simple Imprisonment for 01 (One) Month.

(02) The accused to surrender his bail bonds.

(03) The seized 1 reserved ticket and 2 Reservation Application Letters/Forms be destroyed after the appeal period is over.

(04) The seized cash amount of ₹ 100/- (One Hundred) be credited to government account, as per rules.

(05) The seized ticket amount be confiscated to the Western Railway.

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

Sd/-

(B. K. Gawande)

Date :- 10/11/2022.
SRD.

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