

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

Case No.: 39/SW/2019

Exh. 02

- 01) Date of commission of Offence : 25/01/2019
- 02) Date of Report : 25/01/2019
- 03) Name of the informant The Union of India,
with present age and : through Railway Protection
residence. Force, RPF Bandra (Local)
(C. R. No. 01/2019)
- 04) Name of the accused with : Kasim Mustakim Ansari,
present age and residence. Age : 22 Yrs., Occ.: Nil,
R/o.: Footpath Inside Lal Mitti
Bridge, Mahim (E), Mumbai.
- 05) Particulars of the Offence That on 25.01.2019 at about
04.30 a.m. at KM No. 14/22-23,
North Side of Platform No. 1,
Opp. RPF Office, Bandra you
were found in possession of
railway property i.e. 01 No.
Earthing Patti weighing 15 Kg.
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,
36th Court, Mumbai Central,
Mumbai.

Date : 05.04.2019

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.

Sd/-

Signature/ T.I. of the accused
(Video Conference)

(S. R. Narwade)

Date : 05.04.2019

Metropolitan Magistrate
36th Court, Mumbai Central,
Mumbai.

JUDGMENT

(Delivered on 05th 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. 225/- (Two Hundred and Twenty Five). 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 Kasim Mustakim Ansari, R/o.: Footpath Inside Lal Mitti Bridge, Mahim (E), 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 04 (Four) months.

(02) Set off under section 428 of the Code of Criminal Procedure be given to the accused in sentence from 25.01.2019 till date.

(03) The seized property be returned to the concern department of Western Railway.

Date : 05.04.2019

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