

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

Case No.: 60/SW/2019

Exh. 02

- 01) Date of commission of Offence : 13/04/2019
- 02) Date of Report : 13/04/2019
- 03) Name of the informant : The Union of India,
with present age and residence : through Railway Protection Force, Bandra(Local) Mumabi.
(C. R. No. 04/2019)
- 04) Name of the accused : 1. Bharat Rajak Varma,
with present age and residence. Age : 20 Yrs., Occ. Nil, R/o.:
Patel Nagari Footpath, Bandra (West), Mumbai.
2. Shahjad Mahrudin Shaikh,
Age – 20 Yrs., Occ. Nil, R/o -
Patel Nagari Footpath, Bandra (West), Mumbai.
- 05) Particulars of the Offence : That, on 13/04/2019, at about .
16.50 pm at Railway Station Bandra, you were found in possession of railway property i.e. piece of track 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)

Date : 10/05/2019
SRD.

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

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 accused no.1

Signature/ T.I. of accused no.2

Date : 10/05/2019
SRD.

Sd/-

(S. R. Narwade)

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

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. 1550/- (One Thousand Five Hundred Fifty). 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 1. Bharat Rajak Varma, R/o.: Patel Nagari Footpath, Bandra (West), Mumbai, 2. Shahjad Mahrudin Shaikh, R/o - Patel Nagari Footpath, Bandra (West), Mumbai are 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 they are sentenced to suffer Rigorous Imprisonment for 03 (Three) months each.
- (02) Set off under section 428 of the Code of Criminal Procedure be given to the accused in sentence from 13/04/2019 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.