

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

C. C. NO. 63/SW/2019.

Exh. :- _____

The Union of India,
Through Railway Protection Force,
R.P.F. Mumbai Central, Mumbai.
(C. R. No. 1524/2019).

.... Complainant.

V/s.

1 Shailesh Umarshi Saliya.

Age :- 48 Years. Occupation :- Nil.

R/o. :- Bhayander (E), Thane.

2 Sunil Harakchand Gala.

Age :- 45 Years. Occupation :- Nil.

R/o. :- Dombivali (W), Mumbai.

.... Accused.

Charge :- Punishable under section of 143 Railways Act.

JUDGMENT

(Delivered on 17th day of January, 2020)

Today both accused are present before Court. Both accused voluntarily pleads guilty. Therefore, both accused are liable to be convicted. They have submitted that they feel repentance for the act committed by them and are only earning members of their families. Therefore, both accused prayed for leniency. According to prosecution both accused intentionally, not being railway servant or authorized agent purchased railway tickets with a view to sale it, either by themselves or by any other person. Considering submissions of both accused, in my view, lenient view will have to be taken, while imposing sentence. Hence, I pass the order :

ORDER

(01) The accused No.1. Shailesh Umarshi Saliya and No.2. Sunil Harakchand Gala are convicted vide section 246 (3) of the Code of Criminal Procedure Code for the offence punishable under section 143 of

the Railways Act and they are sentenced to suffer Imprisonment for Till Rising of Court each and to pay fine of ₹ 10,000/- (Ten Thousand) each, I.D. S.I. 03 (Three) Months each.

- (02) The seized Tickets and paper having personal user ID and password be destroyed, as per the limitation of destruction of record, as per Criminal Manual, if those are filed in the proceeding.
- (03) The seized 02 mobile handsets of Samsung J-7 and One Plus made, be returned to accused No.1 and No.2 respectively, as per rules.
- (04) The seized ticket amount be confiscated to the Western Railway.
- (05) The seized amount of ₹ 600/- (Six Hundred) and ₹ 300/- (Three Hundred) be confiscated to the State of Maharashtra.
- (06) Copy of judgment be given to accused free of cost.

Sd/-

(G. P. Bawaskar)

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

Date : 17/01/2020.
SRD.