

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

C. C. NO. 22/SW/2021.

Exh. :-

The Union of India,
Through Railway Protection Force,
R.P.F. Borivali, Mumbai.
(C. R. No. 01/2021).

.... Complainant.

V/s.

Riyaz Ishad Shaikh.

Age :- 21 Years., Occupation :- Nil.

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

.... Accused.

Charge :- Punishable under section 3 of Railway Property
(Unlawful Possession) Act, 1966.

JUDGMENT

(Delivered on 25nd day of February, 2021)

Today accused is produced before Court through Video Conference. The accused voluntarily pleads guilty. Therefore, The accused is liable to be convicted. The accused submits that he is poor person. The accused further submits that he is only earning member of his family. Therefore, the accused prayed for leniency. According to prosecution the accused was found in possession of suspected to be stolen railway property and or obtained unlawfully for which he failed to give any satisfactory account. It appears that from 14/01/2021 the accused is in judicial custody. Considering submissions of the accused, in my view, lenient view will have to be taken, while imposing sentence. Hence, I pass the order :

ORDER

(01) Accused viz. Riyaz Ishad Shaikh is convicted for the offence punishable under section 3 of the Railway Property (Unlawful Possession) Act respectively vide section 246 (3) of

the Code of Criminal Procedure and he is sentenced to suffer Rigorous Imprisonment for 03 (Three) Months.

- (02) Set off under section 428 of the Code of Criminal Procedure be given to the accused in sentence from 14/01/2021 till date.
- (03) The seized property be returned to the concern department of Western Railway.
- (04) Copy of judgment be given to the accused free of cost.

Date : 25/02/2021.
SCM.

(G. P. Bawaskar)
Metropolitan Magistrate,
36th Court, Mumbai Central,
Mumbai.