

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

Case No.: 591/PW/2018

Exh. 4

The State of Maharashtra,
through Police Station Officer,
Bandra Railway Police Station,
Mumbai.

.... PROSECUTION

VERSUS

Amit Suryakant Chavan,
Age : 30 years, Occ.: Nil,
R/o.: Room No. 35, Navjeevan Society,
Indirangar, In front Police Chowki, Khar
Service Road, Santacruz (E), Mumbai.

.... ACCUSED

**OFFENCE PUNISHABLE UNDER SECTIONS 392 OF
INDIAN PENAL CODE AND 147 OF THE RAILWAYS ACT**

Mrs. S. P. Shetty for the prosecution.
The accused in person.

JUDGMENT

(Delivered on 01st day of October, 2018)

The accused in the dock is charged with the offence punishable under sections 392 of the Indian Penal Code and 147 of the Railways Act.

2] Brief is stated the case of prosecution is that on 03.08.2018 at about 19.45 hours the informant Mr. Rakeshkumar Lalchand Dube was boarding in up Churchgate local train in second class compartment. At that time the accused forcefully snatched his mobile handset Redmi made.

The accused caught raided by the police. Therefore, the informant filed report with police station Bandra (Railway). On the basis of his report and offence punishable under sections 392 of the Indian Penal Code and 147 of the Railways Act was registered against the accused vide Crime No. 1981/2018. The investigating officer Mr. P. A. Gawari, ASI, Police Station Bandra (Railway) investigated into the matter. He recorded statements of the witnesses as per their says. Further, he seized mobile handset Redmi made from the possession of the accused and prepared seizure panchanama in presence of panch witnesses and after completion the investigation he chargesheeted the accused.

3] I framed the charge against the accused for the offence punishable under sections 392 of the Indian Penal Code and 147 of the Railways Act vide Exh. 2. The contents of charge were readover and explained to the accused, in vernacular through Video Conference. The accused pleaded guilty.

4] The points for determination alongwith my findings thereon :

<u>POINT</u>	<u>FINDINGS</u>
01) Whether the prosecution proved that the accused forcefully snatched and robbed the informant Mr. Rakeshkumar Lalchand Dube by taking his mobile handset Redmi made ?	<u>Yes.</u>
02) Whether the prosecution proved that the accused have trespassed or entered in railway premises without lawful authority and misused railway property?	<u>Yes.</u>
03) What order?	<u>The accused is convicted.</u>

AS TO POINT NO. 01 AND 02:

5] The accused pleaded guilty. Therefore, the prosecution has proved that the accused forcefully snatched and robbed the informant Mr. Rakeshkumar Lalchand Dube by taking his mobile handset Redmi made and trespassed or entered in railway premises without lawful authority and misused railway property. Therefore, I answer point No. 01 and 02 in the affirmative.

AS TO POINT NO. 03 :

6] The prosecution has proved the guilt of the accused. Therefore, the accused is liable to be convicted. I heard the accused on the point of quantum of sentence. He submits that he is poor person, only earning member of his family. He further submits that this is his first offence. Therefore, he prayed for leniency. The Learned APP Mrs. Sindhu P. Shetty submits that the accused has severely punished, as per the law.

7] The record goes to shows that the accused has committed the robbery of mobile handset Redmi made. Therefore, in my view, it would not just and proper to punish the accused, severely. Considering the submission of the accused, lenient view will have to be taken while imposing sentence. The seized mobile handset Redmi made already given to the informant Mr. Rakeshkumar Lalchand Dube on indemnity bond. Considering fact of the case in my view, the informant shall retained seized article, which is taken by him on indemnity bond and his indemnity bond will have to be cancelled, after appeal period is over. Hence, in these circumstances, in answer to point No. 03, I pass the order :

ORDER

(01) The accused Amit Suryakant Chavan, R/o.: Room No. 35, Navjeevan Society, Indiranagar, In front of Police Chowki, Khar Service Road, Santacruz (E), Mumbai is convicted for the offence punishable under section 392 of Indian Penal Code vide section 241 of the Code of Criminal Procedure, 1973 and he is sentenced to suffer rigorous imprisonment for 04 (Four) Months.

(02) The accused is further convicted for the offence punishable under section 147 of the Railways Act vide section 241 of the Code of Criminal Procedure, 1973 and he is sentenced to suffer rigorous imprisonment for 01 (One) month.

(03) Both the sentences shall run concurrently.

(04) Set off be given to the accused under section 428 of the Code of Criminal Procedure from 03.08.2018 till date.

(05) The seized mobile handset Redmi made shall be retained by the informant Mr. Rakeshkumar Lalchand Dube, R/o.: Room No. 5, K. P. Sharma Chawl, Pipeline Road, Jawahar Nagar, Khar (E), Mumbai and his indemnity bond will be cancelled, after appeal period is over.

Date : 01.10.2018

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