

MHNS220061012022 	Received on	15.11.2022
	Registered on	15.11.2022
	Decided on	10.07.2026
	Duration on	03Y 07M 25D

**IN THE COURT OF JUDICIAL MAGISTRATE F.C.
AT MANMAD RAILWAY, DISTRICT- NASHIK**

[Presided over by H.B.Pardeshi]

JUDGMENT

(Delivered on 10.07.2026)

RCCNo.201/2022

Exh. No.43

Details of FIR	C.R.No.05/2022, RPF Manmad
Complainant/ Prosecution	Railway Protection Force, Manmad
Represented by	Shri. A.K. Singh for the RPF
Accused	2.Vijay @ Gattyga Gautam Nikam Age: 31 years, Occ:--Labour, R/o: Samrat Nagar, Gaukwad Chauk Samaj Mandir Road.
Represented by	Adv. P.M.Sansare

Date of offence	20.07.2022
Date of FIR	20.07.2022
Date of Final Report	15.11.2022
Date of framing of Charge	04.11.2025
Date of commencement of evidence	--
Date on which judgment is reserved	--
Date of the Judgment	10.07.2026
Date of the Sentencing Order, if any	<u>As per final order</u>

Accused Details

Rank of	Name of accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
2	Vijay @ Gattya Gautam Nikam	13.09.2022	15.09.2022	U/s.3(a) RPUP Act 1966 and U/s. 147 of Railway Act.	Convicted	Nil	NA

LIST OF PROSECUTION/ DEFENCE /COURT WITNESSES

A. Prosecution:-

RANK	NAME	Exhibit	NATURE OF EVIDENCE
Nil			

B. Defence Witnesses, if any:-

RANK	NAME	NATURE OF EVIDENCE
Nil		

C. Court Witnesses, if any:-

RANK	NAME	NATURE OF EVIDENCE
Nil		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS.

A. Prosecution:-

SR.NO.	Description	Exhibit No.
Nil		

B. Defence:-

SR.NO.	Description	Exhibit No.
Nil		

C. Court Exhibits:-

SR.NO.	Description	Exhibit No.
Nil		

D. Material Objects:-

SR.NO.	Description	Exhibit No.
	Nil	

J U D G M E N T

(Delivered in open Court on this 10th of July 2026)

- 1.** This is a regular trial case filed otherwise than on police report alleging offence punishable u/s 3(a) of the RPUP Act,1966 and U/s. 147 of Railway Act.
- 2.** The accused made an application u/s 265 of the Cr.P.C. accompanied with affidavit stating that he is voluntarily preferred said application after understanding the nature and extent of punishment provided under the law for the offence in question. I have called Ld. APP and ASI, Manmad for the RPF in the case. Accordingly, Shri.Rajesh Bankar, IPF(RPF Manmad) appeared physically and Ld.APP via V.C. and the process of mutual satisfactory disposition have been carried out between the participants. After mutual satisfactory disposition, the participants are voluntarily come to the amicable settlement. Resultantly, mutual satisfactory disposition has been successfully resulted into report (Exh.42) u/s 265 of the Cr.PC.
- 3.** To verify whether present case is fit for plea bargaining, I have gone through the punishment provided for offence alleged. This offence is not provided imprisonment more than seven years. The offence does not

affect socio economic condition of the Country or has been committed against the woman, or a child below age of fourteen years. In addition to that, the offences do not hit notification S.O. 1042(E) dated 11.07.2006 issued by the Central Government. The amount of theft involved in the crime is Rs.1300/-. Thus, I find this case fit for plea bargaining.

4. I have again verified from the accused that whether he really wants to plead guilty to which the accused answered in affirmative. Therefore, I have heard Ld. APP for the RPF on the point of sentence. He has submitted that both parties have arrived at amicable settlement through plea bargaining process therefore, prayed that the railway may be compensated and the accused released on admonition or bond of good behavior. Ld.counsel for the accused submitted that the accused is from extreme poor economic and social background and therefore prayed for release them without any sentence of imprisonment.

5. It is to be noted that the accused honestly admitted his guilt. No criminal antecedent of the accused on record let alone contentions of the prosecution in this regard. On the contrary, the prosecution itself submitted that benefit of the Probation Act may be given to the accused as per the procedure. Therefore, considering the provisions of the plea bargaining, object of the Probation Act, circumstances of the case including the nature of

offence, antecedent and extreme poor economic condition. In my view this is a fit case to grant the benefit of section 4 of the Probation Act. Resultantly, the following order:

ORDER

- 1] The case is disposed of against through plea bargaining process vide section 265 of Cr.P.C.
- 2] The accused no.2 is convicted of the offence punishable u/s. 3(a) of the RPUP Act & u/s.147 of Railway Act of section 265 of the Cr.P.C.
- 3] The accused instead of sentencing is released on his personal bond of good behavior for six months vide section 4 of the Probation Act r/w section 265 of Cr.P.C.
- 4] The accused no.2 is directed to pay Rs.2000/- towards cost of the proceeding and Rs.3,000/- towards compensation to the Indian Railway in view of section 5 of the Probation of Offender Act and in default to suffer simple imprisonment for 01 Month.
- 5] The accused no.2 convicted and released as per above clauses shall not subject to disqualifications or disabilities imposed because of the conviction in view of provisions of section 12 of the Probation of Offenders Act, 1958.
- 6] The proceeding will continue for accused no.1

Date : 10.07.2026.

Sd/-
(H. B. Pardeshi)
**Railway Magistrate,
Manmad.**

Certificate

I affirm that contents of this PDF file of this judgment are same and word for word as per original judgment.

Name of Clerk : Shri. S. C. Kulkarni (Jr. Clerk)

Name of the Court : Railway Court, Manmad

Upload on date : 10.07.2026.