

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

Case No.: 564/PW/2018

Exh. 02

- 01) Date of commission of Offence : 24/07/2018
- 02) Date of Report : 24/07/2018
- 03) Name of the informant : The State of Maharashtra,
with present age and residence : through Police Station Officer,
Railway Police Station, Bandra, Mumbai.
- 04) Name of the accused with present age and residence : Juber Abdul Rehman Shaikh, Age : 24 Yrs., Occ. Nil, R/o.: Anwar Taxiwalla Chawl, Room No. 208, Near Ajmeri Masjid, Gaondevi Dongar, Andher (W), Mumbai.
- 05) Particulars of the Offence / Charge : 1] That on 24.07.2018 at about 13.25 hours at Dadar Western railway station platform No. 1 you intending to take dishonestly wallet containing cash amount of Rs. 320/- (Three Hundred and Twenty), Railway Pass, Identity Card, Receipts and other necessary documents out of possession of the informant Mr. Dilipkumar Gaurishankar Upadhyay without his consent, moved it in order to such taking and thereby committed an offence of theft, punishable under section 379 of Indian Penal Code and within my cognizance.

.. 2 ..

2] Secondly, you have previously convicted for the offence of theft and thereby committed an offence punishable under section 75 of the Indian Penal Code.

And, I hereby direct that you be tried by me on the said charge.

Sd/-

(S. R. Narwade)

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

Date : 12.09.2018

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 the accused

Sd/-

(S. R. Narwade)

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

Date : 12.09.2018

JUDGMENT

(Delivered on 12th day of September, 2018)

The accused voluntarily plead guilty. Therefore, the accused is liable to be convicted. The accused submits that he is poor person and only earning member of his family. He further submits that this is his first offence. Therefore, the accused prayed for leniency. Considering submissions of the accused, in my view, lenient view will have to be taken. Hence, I pass the order :-

ORDER

(01) The accused Juber Abdul Raheman Shaikh, R/o.: Anwar Taxiwalla Chawl, Room No. 208, Near Ajmeri Masjid, Gaondevi Donger, Andheri (W), Mumbai is convicted for the offence punishable under section 379 of the Indian Penal Code vide section 241 of the Code of Criminal Procedure Code and he is sentenced to suffer Rigorous Imprisonment for 06 (Six) months.

(02) The accused is further convicted for the offence punishable under section 75 of the Indian Penal Code vide section 241 of the Code of Criminal Procedure Code and he is sentenced to suffer Rigorous Imprisonment for 06 (Six) months.

(03) Set off under section 428 of the Code of Criminal Procedure be given to the accused in sentence from 24.07.2018 to till date.

(04) All the sentences passed in C. C. No. 564/PW/2018, 563/PW/2018 and 565/PW/2018 of Mumbai Central Railway Police Station, Mumbai shall run concurrently.

(05) The seized wallet containing cash amount of Rs. 320/- (Three Hundred and Twenty), Railway Pass, Identity Card and other necessary documents be handed over to the informant Mr. Dilipkumar Gaurishankar Upadhyay, R/o.: Vishnu Nagar Society, Room No. 523, Master Chawl, L. U. Gatari Road, Mahul Road, Chembur, Mumbai.

Sd/-

(S. R. Narwade)

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

Date : 12.09.2018