

IN THE COURT OF 36th METROPOLITAN MAGISTRATE,
MUMBAI CENTRAL, MUMBAI.
Case No.: 575/PW/2018

Exh. 02

- 01) Date of commission of Offence : 09/07/2018
- 02) Date of Report : 09/07/2018
- 03) Name of the informant with present age and residence. : The State of Maharashtra, through Police Station Officer, Railway Police Station, Bandra, Mumbai.
- 04) Name of the accused with present age and residence. : (1) Mohammad Iqbal Shaikh, Age : 24 Yrs., Occ. Nil, R/o.: Indiranagar, Pipeline Footpath, Bandra Terminus (E), Mumbai.
(2) Balaji Karunanidhi Kaundal, Age : 22 Yrs., Occ. Nil, R/o.: Indiranagar, Pipeline Footpath, Bandra Terminus (E), Mumbai.
- 05) Particulars of the Offence / Charge : 1] That you alongwith co-accused in furtherance of your common intention on 09.07.2018 at about 11.40 hours at Bandra Terminus railway station platform No. 1 intending to take dishonestly mobile handset Samsung made, model No. J-7 Next out of possession of the informant Mr. Akshay Hiralal Sarote 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.
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. No.1 . Yes.

No.2 . Yes.

2) Do you understood the particular of offence now read over and explained you in vernacular?

Ans. No.1 . Yes.

No.2 . Yes.

3) Do you plead guilty?

Ans. No.1 . Yes, I plead guilty.

No.2 . Yes, I plead guilty.

(1) _____

Sd/-

(S. R. Narwade)

(2) _____

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

Signature/ T.I. of the accused

Date : 12.09.2018

JUDGMENT

(Delivered on 12th day of September, 2018)

The accused voluntarily plead guilty. Therefore, the accused are liable to be convicted. The accused submit that they are only earning members of thier family. They further submit that this is their 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) Accused No. 1 namely, Mohammad Iqbal Shaikh and accused No. 2 namely, Balaji Karunanidhi Kaundal, R/o.: Indiranagar, Pipeline Zopadpatti, Bandra Terminus (E), Mumbai, are convicted for the offence punishable under sections 379 read with 34 of the Indian Penal Code vide section 241 of the Code of Criminal Procedure Code and they are sentenced to suffer Rigorous Imprisonment for 03 (Three) months each.

(02) Set off under section 428 of the Code of Criminal Procedure be given to the both accused in sentence from 10.07.2018 to till date.

(03) The seized mobile handset Samsung made, model No. J-7 Next shall be retained by the informant Mr. Akshay Hiralal Sarote, R/o.: Plot No. 38, Gopal Nagar Road, Parsoni, Nagpur and his indemnity bond will be cancelled, after appeal period is over.

Sd/-

(S. R. Narwade)

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

Date : 12.09.2018