

**IN THE COURT OF THE JUDICIAL FIRST-CLASS MAGISTRATE-I,
CHENGANNUR**

Present: - Smt. Anupama.S.Pillai., Judicial First Class Magistrate-I

Dated this, the 19th day of March, 2026.

CC 128/26 in Kayamkulam RPF Crime No.02/2025

Complainant : Union of India represented by Kiran S
Inspector, Railway Protection, Force,
Kayamkulam in Crime No. 02/25

[By APP-1, Chengannur]

Accused : Md. Ajharuddin, Aged, 23 Years,
S/o Md. Mustkim, Hardiya Sec.B, Hardiya,
Rajauli.P.O, Nawada(Dt), Bihar.

[By LADC Adv. Sooraj.S.Pillai]

Offences : U/s. 3(a) of RP(UP) Act, 1966.

Provision of Law : U/S.269(3) of BNS.

Order : *The accused is convicted for the offence punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966.*

The accused is sentenced to pay a fine of ₹5,000/- (Rupees Five Thousand only). In default of payment of fine, the accused shall undergo simple imprisonment for a period of one month.

If the fine amount is realized, the same shall be paid to the RPF in defraying the expenses properly incurred in the prosecution under Section 395(1)(a) of the BNS.

This Criminal Miscellaneous Petition coming on this day for consideration, the Court passed the following: -

ORDER

- 1) This case came up for hearing on the charges framed against the accused in CC 128/26.
- 2) The case arose from a private complaint filed by the Inspector of RPF, Kayamkulam in Occurrence Report Crime No. 2/2025 of RPF Post, Kayamkulam, registered for the offence punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966.
- 3) **The prosecution case in brief is as follows:** On 04.12.2025, at about 04.50 hours, the accused was found in unlawful possession of railway property, namely one white colour plastic sack containing 13 numbers of railway patrol clips, approximate value of ₹1,300/-, suspected to be stolen or unlawfully obtained from Kayamkulam railway station yard area. The accused was intercepted by the Sub Inspector, RPF, Kayamkulam. Thus the accused allegedly committed the offence punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966.
- 4) The accused was arrested and produced before the Hon'ble JFCM-II, Mavelikkara, having charge of this Court, on 04.12.2025 at 12.05 p.m., and the accused was remanded to judicial custody. During the period of custody, he was granted bail by this Court as per order in CMP 01/26 dated 10.02.2026. However, he did not comply with the bail conditions and has been under detention thereafter.
- 5) This Court took cognizance of the offence punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 and took the case on file.

Copies of the complainant's prosecution records were served on the accused. Since the case falls within Category 'B' of Chapter XX of the BNSS, this Court proceeded to take all evidence of the prosecution under Section 267 of BNSS. The case was then proceeded with prosecution evidence. PW1 was examined from the side of the complainant and Exts. P1 to P4 were marked. The evidence of the complainant was closed on submission of the learned APP.

- 6) Upon considering the evidence of the complainant, this Court was of the view that there are grounds for presuming that the accused has committed the alleged offence, which this Court is competent to try and which, in the opinion of this Court, would be adequately punished by this Court. Charge under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 was framed against the accused. The charge was read over and explained to the accused, and he was asked whether he pleads guilty or has any defence to make. The accused submitted that he desires to plead guilty by filing the present petition.
- 7) It is a settled rule of law that when the guilt is admitted by the accused and such admission is found to be voluntary, the Court can convict the accused on such plea of guilt. On interaction with the accused, this Court is satisfied that the plea of guilty made by the accused is voluntary, unconditional and made with full knowledge of the consequences. Hence the plea of guilty is accepted and the accused is found guilty for the offence punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966.
- 8) As regards sentence, the penal provision under Section 3 of the Railway Property (Unlawful Possession) Act contains two clauses. **Clause (a)** operates to award punishment for the first offence and **clause (b)** operates for second or subsequent offence. Under clause (a), the maximum term of imprisonment which can be imposed may extend up to five years, and the minimum term of

imprisonment shall not be less than one year unless, for special and adequate reasons to be mentioned in the judgment, a lesser sentence is awarded. The provision also gives an alternative punishment of fine. Though there is no maximum limit for the fine, it shall not be excessive or unreasonable, and ordinarily the fine shall not be less than ₹1000/- unless for special and adequate reasons to be recorded. The section gives discretion to the Court to award imprisonment alone, or fine alone, or both. Therefore, it is not obligatory on the Court to impose imprisonment in every case.

- 9) In the present case, going by the certificate of the Section Engineer, the total value of the railway property involved is only ₹1,300/-.
- 10) Having due regard to the voluntary admission made by the accused, the small value of the property involved, the nature of the offence, and the fact that the accused was arrested and had remained in custody for some period during remand, this Court is of the view that imposing a sentence of fine alone would meet the ends of justice and would constitute special and adequate reasons for awarding a lesser punishment instead of the minimum term of imprisonment contemplated under the statute.

In the result,

- i. The accused is convicted for the offence punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 under Sec.269(3) of BNSS on his plea of guilty .*
- ii. The accused is sentenced to pay a fine of ₹5,000/- (Rupees Five Thousand only). In default of payment of fine, the accused shall undergo simple imprisonment for a period of one month.*

- iii. If the fine amount is realized, the same shall be paid to the RPF in defraying the expenses properly incurred in the prosecution under Section 395(1)(a) of the BNS.*

The office of this Court is directed to forward a soft copy of this order forthwith to the Superintendent of the jail where the petitioner is undergoing custody.

(Typed by me on my personal computer, corrected by me and pronounced by me in the open court on this the 19th day of March, 2026.)

Sd/-
Judicial First Class Magistrate-I
Chengannur