

CNR No.MHMM240016502018



Presented on :30/07/2018
Registered on :30/07/2018
Decided on : 24/06/2026
Duration : Y M D
07 10 25

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS,
35TH COURT, C. S. M. T., MUMBAI.
(PRESIDED OVER BY M.S.BUDHWANT)
Criminal Case No.1633/SW/2018 Exh.19
(CNR No.MHMM240016502018)

	Crime No.1155/2018
	RPF Thana CST (Main)
COMPLAINANT	Through RPF Thana C.S.T. (Main), Sub Inspector Hariwansh Singh (Member of Anti Tout Team)
REPRESENTED BY	Learned PP. Shri. S.B. Pandey for RPF
ACCUSED	1] Pradip Ramchandra Singh Age: 45 years, R/at : Puja Apartment, 6 th floor, Room No.603, Sat Rastra, Mumbai. 2] Shah Mehmud Valim Age- 40 years, R/at: Prabhud Nagar, Shop No.17, Rafi Ahmad Kidwai Marg, Mumbai.
REPRESENTED BY	Ld. Advocate Shri. J.B. Patil and Smt. Smita Pawar for the accused.

Date of offence 07.06.2018

Date of complaint 07.06.2018

Date of filing of chargesheet 30.07.2018

Date of charge framed 07.05.2026

Date of commencement of evidence 08.11.2024

Date on which case reserved for Judgment 24.06.2026

Judgment

Date of the Judgment 24.06.2026

Date of the Sentencing Order ----

Accused Details

Rank of accused	Name of the accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during trial for purpose of Section 468 of BNSS.
1]	Pradip Ramchandra Singh	07.06.2018	08.06.2018	Section 143 of Railway Act.	Accused is convicted	As per final order	---
2]	Shah Mehmud Valim	08.06.2018	08.06.2018				

JUDGMENT

(Delivered on this 24th day of June, 2026)

Accused is facing trial for having committed an offence punishable under section 143 of the Railways Act.

2] Brief facts of the prosecution case is that complainant RPF Sub Inspector Hariwansh Singh has filed complaint on allegations that on 07.06.2018 he received secret information that outside of GPO office black marketing of railway reservation tickets is going on. Therefore, he informed about this fact to Inspector Incharge of RPF Thana CSMT (Main) line and one team was formed by Senior D.S.C. of RPF CST (Main). He alongwith ASI Sub Inspector Ashwinkumar, ASI Ashwin Singh, ASI Pralhad Singh, Constable Satish Bacchav, Constable J.P. Pawar, Constable Pankaj Vishwakarma were went to Modi Street, behind Malhotra Building and they kept secret watch over there. They saw one person outside the GPO office having suspicious movement. They stopped him and inquired with him. Two filled reservation forms and two tickets were found from possession of accused. On further inquiry accused told that they are not having any legal authority to do such business. Further, accused admitted that they illegally purchased said ticket and sold it to needy person on the basis of commission of Rs.100/- to 200/-. Therefore, they brought to RPF Thana CSMT (Main) and given written complaint to Sub Inspector Ashwinkumar. Sub Inspector Ashwinkumar called two panchas and seized two railway reservation tickets and two filled requisition forms under spot-cum-seizure panchanama. Thereafter, confessional statement of accused No.1 and 2 recorded in presence of panchas. Thereafter, he filed complaint for the offence under section 143 of the Railways Act.

3] Crime No.1155/2018 registered against accused for the offence punishable under section 143 of the Railways Act. Accused was arrested and complaint was filed against him.

4] Thereafter, prosecution led evidence before Charge and on the basis of sufficient evidence to proceed against accused. Prosecution examined one witness ie. complainant Harman Singh (PW.1) at Exh.05. Thereafter, Ld. P.P. filed evidence close pursis before charge at Exh.07. Charge (Exh.08) framed against accused. He pleaded not guilty and claimed to be tried. Advocate for an accused declined to take cross-examination. Thereafter, prosecution filed evidence close pursis after framing of charge at Exh.14.

5] Statement of accused No.1 and 2 recorded under section 313 of Code of Criminal Procedure vide Exh.17 and 18. Accused Nos.1 and 2 given answer to last question of their statement under section 313 of Code of Criminal Procedure that they pleaded guilty against the charge. Thereafter, they filed an application Exh.15 stating that they want to plead guilty.

6] The points for determination along with findings thereon are as under:

SR No.	<u>POINTS</u>	<u>FINDINGS</u>
1)	Does prosecution prove that accused No.1 and 2 not being a railway servant or an authorized agent, carried on the business of procuring and supplying tickets for travel on railway from reserved accommodation or	.. Affirmative

purchased or sold or attempted to purchase or sell tickets with a view to carrying on any such business ?

02) What order ?

..Accused No.1 and 2 are convicted.

REASONS

AS TO POINT NOS.1 AND 2:-

7] In order to substantiate the guilt of an accused prosecution has examined only one witness complainant Harman Singh (PW.1), RPF Sub Inspector –at Exh.05. Accused admitted complaint (Exh.P-1/06), spot-cum-seizure panchanama at Exh.11 and confessional statement of accused at Exh.12. Ld. PP. closed evidence vide pursis Exh.14.

8] The Ld. PP. argued that prosecution examined only one witness complainant (PW.1) and proved that two railway reservation tickets and two filled requisition forms have been seized from the accused. Answers given by the accused to the questions put to him under section 313 of Code of Criminal Procedure (Exh.17and 18) shows that accused Nos.1 and 2 admitted possession of seized two railway reservation tickets and filled filled requisition forms. It is not disputed that he is unauthorized licence holder and unauthorized carrying on such business. Accused Nos.1 and 2 are not lead evidence in their defence rather they pleaded guilty. They are neither railway employee nor authorized agent to book railways reservation

tickets. Therefore, the accused Nos.1 and 2 liable to be convicted.

09] Ld. Advocate for the accused Nos.1 and 2 submitted an application Exh.15 stating that accused Nos.1 and 2 wants to plead guilty. Considering the argument canvased by the parties, first it will have to mention admitted facts. Accused Nos.1 and 2 admitted the possession of two railway reservation tickets and two filled requisition forms which were seized. So the possession over the said tickets and requisition forms is not in dispute.

10] Sub Inspector Shri Singh (PW.1) is the complainant. He deposed in his evidence that on 07.06.2018 he was posted at Anti Tout Team of Mumbai Division. On that day he received secret information that outside of GPO office black marketing of railway reservation tickets is going on. He informed about this to Inspector Incharge of RPF Thana CSMT (Main) line. One team was formed by Senior D.S.C. of RPF CST (Main) and in that team ASI Sub Inspector Ashwinkumar, ASI Ashwin Singh, ASI Pralhad Singh, Constable Satish Bacchav, Constable J.P.Pawar, Constable Pankaj Vishwakarma and he himself were went to Modi Street, behind Malhotra Building and they kept secret watch over there. They saw one person outside the GPO office having suspicious movement. They stopped accused and inquired with accused. They gave introduction of their to accused. Two filled reservation forms and two tickets were found from the possession of accused. On further inquiry accused told that they are not having any legal authority to do such business. Further, accused stated that they used to give

railway reservation tickets to needy passengers on the commission basis of Rs.100/- to 200/- per ticket. Therefore, he gave his written complaint at Exh-P-1/06 to Sub Inspector Ashwinkumar. He identified accused in the court hall.

11] The testimony of complainant Sub Inspector Shri Singh (PW.1) appears to be in corroboration with complaint at Exh.P-1/06, spot-cum-seizure panchanama at Exh.11 and confessional statement of accused at Exh.12. Cross-examination was declined by accused, the testimony of complainant Sub Inspector Shri Singh (PW.1) remained unchallenged. Therefore, there is no reason to disbelieve his testimony. Accused admitted complaint at Exh.P-1/06, spot-cum-seizure panchanama at Exh.11 and confessional statement of accused at Exh.12.

12] After scrutinizing the oral as well as documentary evidence on record, it appears that the testimony of complainant Sub Inspector Shri Singh (PW.1) is in consonance of complaint at Exh.P-1/06, spot-cum-seizure panchanama at Exh.11 and confessional statement of accused at Exh.12. Further, in the statement under section 313 of Cr.P.C. and plead guilty application (Exh.15) accused pleaded guilty. Hence, considering these all aspects, it is clear that the prosecution had succeeded to prove the guilt of an accused No.1 and 2 under section 143 of the Railway Act. Hence, here I hold accused No.1 and 2 guilty for an offence under section 143 of the Railways Act. Accordingly I answered point No.1 in the affirmative.

AS TO POINT NO.2:-

13] I answered point No.1 in the affirmative and hold that accused Nos.1 and 2 are guilty for the offence punishable U/s. 143 of the Railways Act and hence, I stop to hear the accused Nos.1 and 2 on the quantum of sentence.

SD/-

(M.S.Budhwant)

Judicial Magistrate First Class

35th Court, C.S.M.T., Mumbai.

Date :24/06/2026.

14] Heard both sides on the quantum of sentence. The Ld. Advocate for an accused No.1 and 2 and accused No.1 and 2 in person submitted that they are young age person. They are earning member of their family and other family members are dependent upon them. It is their first offence. The value of two tickets are of Rs.2,520/-, therefore leniency may be shown in awarding sentence. On the other hand Ld. P.P. submitted that looking to the nature of offence and value of two tickets, appropriate fine amount described in the act be imposed.

15] Considering the value of two tickets are Rs.2,520/-, young age of accused No.1 and 2, that it is their first offence and overall circumstances, a proportionate sentence commensurate with the gravity of offence is being passed. Accordingly, in answer to point no.2, I pass following order:-

ORDER

1] Accused No.1 Pradip Ramchandra Singh and accused No.2

Shah Mehmud Valim are convicted for the offence punishable under section 143 of the Railways Act vide section 248(2) of the Code of Criminal Procedure and sentenced to suffer simple imprisonment till rising of the Court and to pay fine of Rs.5,000/- each (Rs.Five Thousand Only) and in default to further suffer simple imprisonment for one month each.

2] Accused Nos.1 and 2 to surrender their bail bonds.

3] Seized two railway reservation tickets and two filled requisition forms confiscated be sent to Railway Administration for disposal according to law after appeal period is over.

4] Copy of the judgment be given to the accused Nos.1 and 2 at free of cost.

(Dictated and pronounced in open Court.)

(M.S.Budhwant)

Judicial Magistrate First Class
35th Court, C.S.M.T., Mumbai.

Date 24/06/2026.

Svr/-

Direct dictated on computer : 24/06/2026.

Checked on : 24/06/2026.

Signed on : 24/06/2026.