

Presented on : 10/04/2014  
Registered on: 10/04/2014  
Decided on : 21/09/2015  
Duration : Yr. M. Days  
01 05 11

**IN THE COURT OF JUDICIAL MAGISTRATE (RAILWAY) PUNE,  
AT PUNE  
(Presided over by : A.B.Shaikh)**

**Regular Criminal Case No.55/2014**

**Exh.26**

State of Maharashtra,  
Through G.R.P. Station,  
Pune.

... Prosecution

V/s.

1. Saddam Awar Anwar Shaikh  
Age : 25 yrs. , Occ. Nil  
R/o. Behind Vitthal Temple, Dhanori,  
Pune
3. Koyalya @ Koyala Kailas Chavan  
Age : 23 yrs., Occ. Nil  
R/o. Lonavala

... Accused

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**Appearances :** Smt. S.S.Mahatekar, A.P.P. for Prosecution  
Shri. P.A. Survase, for both accused

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**J U D G E M E N T**  
(Delivered on 21<sup>st</sup> September, 2015)

Both accused are prosecuted for committing an offence punishable U/s.394 read with Section 34 of the Indian Penal Code.

**Factual matrix of prosecution case in brief is that :**

2. The informant Pandit Surendra Shivswarup Mishra lodged complaint on 6/2/2014 stating that on 5/2/2014, he sat in local train of 11.00 p.m. at platform No.3 of Pune Railway Station going to Shivajinagar Railway Station. There are four persons already seated in his bogie of that local train. They came near him. One of them, told the informant to give him miss-call on his mobile phone. The informant told him that he was not having mobile phone. At that time, that four persons hold the hand of the informant and forcibly took out mobile and cash amount of Rs.150/- from his pants pocket. That mobile was of Nokia Company having model No.N-97. So, he lodged complaint at G.R.P Station, Pune on 6/2/2015.

3. On his complaint, C.R.No.32/2014 came to be registered at G.R.P station, Pune and investigation of crime was handed over to A.S.I. Mahendra Bagade. During investigation, Investigation Officer recorded statements of several witnesses. He had prepared arrest and seizure panchanamas. After due investigation, charge sheet was filed in the Court against accused under Section 394 read with Section 34 of the Indian Penal Code.

4. Accused No.1 and 3 are under trial prisoner. After release of accused No.2 on bail bonds, and framing of charge against accused No.1 and 3, he is absconding and police failed to secure his presence, though reasonable opportunity was given to them. Considering fact

that accused No.1 and 3 are under trial prisoners, it was proposed to expedite their trial. But, they pleaded guilty on their own accord by filing purshis.

5. Today, accused No.1 and 3 filed puishis (Exh.25) stating that they plead guilty. Being satisfied that the plea of the accused No.1 and 3 is voluntary, I held them guilty for having committed offence punishable under Section 394 read with Section 34 of the Indian Penal Code and proceeded to hear them on the point of sentence.

6. The accused submitted that they are the sole earning members of their respective family and therefore they be awarded minimum punishment. They are in jail since their arrest. Ld. A.P.P submitted that maximum punishment be awarded to accused.

7. Taking into consideration the nature and gravity of the offence, family background and age of accused, in my opinion, it would not be proper to incarcerate accused in jail for longer period. In the result, I proceed to pronounce final verdict in following terms.

**- ORDER -**

1. Accused No.1 and 3 are hereby convicted vide section 241 of Cr.PC. for the offence punishable under Section 394 of the Indian Penal Code and they are sentenced to suffer simple imprisonment for 1 (one) year and 6 (six) months each and to pay fine of Rs.1000/- (Rupees one thousand only) each, in default, to suffer S.I. for 15 (fifteen) days.
2. Set off be given to accused No.1 and 3 under Section 428 of Cr.PC. for the period of detention they have already undergone.

3. Record and proceeding of this case and seized muddemal if any be preserved for trial of accused No.2. Trial to commence against accused No.2 after securing his presence.
4. Copy of judgment be given to accused free of cost.

Pronounced and dictated in open court.

Pune  
Date : 21/9/2015

Sd/-  
(A.B. Shaikh)  
Judicial Magistrate First Class,  
(Railway), Pune.

I affirms that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of the Steno : Rajesh A. Shimpi  
Court Name : Railway Court, Pune  
Date : 21/9/2015  
Judgment Signed by  
Presiding Officer on : 21/9/2015  
Judgment uploaded on : 30/9/2015