

MHPU190015262026

Received on 20/05/2026
Registered on 20/05/2026
Decided on 03/07/2026
Duration : 00Y. 01M. 13D.

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
RAILWAY COURT, AT DAUND, DIST. PUNE
(Presided over by : Sunil S. Dahatonde)**

R.C.C. No. 30/2026**EXH. NO. 64**

Railway Protection Force, Daund ... **Complainant**

V/s.

7) Babusha @ Pingya Chigalya Kale,

Age : 22 Yrs., Occu.: Labour,

R/o: Suregaon, Tal. Shrigonda,

Dist. Ahilyanagar.

... **Accused**

OFFENCE PUNISHABLE UNDER SECTION 3(a) OF THE RAILWAY
PROPERTY (UNLAWFUL POSSESSION) ACT, 1966 AND SECTION 147
OF THE RAILWAY ACT, 1989.

Shri. D. B. Tripathi, Advocate for the Complainant.

Shri. S. T. Yerol, Advocate for Accused.

JUDGMENT

(Delivered on : 03rd July, 2026)

Accused No. 7 Babusha @ Pingya Chigalya Kale is facing trial for commission of an offences punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 and Section 147 of the Railway Act, 1989.

2. Prosecution case in brief as under:

Informant Vishal Bhosle, Constable, RPF Daund, Dist. Pune lodged report on 06.01.2026 at RPF Daund. It transpires from report that, accused have in furtherance with their common intention committed theft of OHE cable of Railway in between Ranjangaon-Visapur section and dishonestly sold the same. Hence, he lodged the report.

3. Today, the matter is fixed for production of accused. Accused No. 7 Babusha @ Pingya Chigalya Kale pleads guilty by filing pursis at Exh. 63. I have explained him the consequences of admitting guilt and punishment provided for the Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 and Section 147 of the Railway Act, 1989 in presence of his learned advocate. I also informed to accused that he is not bound to plead guilt. In spite that accused is ready and willing to plead guilty. Therefore, I am satisfied that plea of accused is voluntarily. Therefore, I held him guilty for having committed an offence punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966 and Section 147 of the Railway Act, 1989 and proceed to hear him on the point of sentence.

(Sunil S. Dahatonde)

Place : Daund.

Date : 03.07.2026.

Judicial Magistrate First Class,
Railway Court, Daund, Dist. Pune.

4. On the point of sentence the accused and his learned advocate urged that, accused has no criminal antecedent and therefore, leniency may be shown to him. Accused submitted that leniency may be shown to him. Learned advocate for the accused submitted that accused is not previously involved in any criminal case. He is doing labour work, his family totally depends on his income.

5. Considering the nature of offence leveled against accused, the age of accused, his family background, he is entitled for leniency. There is always an apprehension that the accused or first offender may turn into hardcore criminal, if he enjoys company of criminals in jail. So, one error on fateful day may invite intense repercussions to first offender. On the other hand, keeps the offender away from the criminal world.

6. Accused is not having previous criminal antecedent. Considering value of stolen property, I am of the considered view that the nature of offence is not heinous in nature. But, it does not mean that accused must go unpunished. It is the mandate of law that Court shall not discriminate due to status of the accused. The background of the accused shows that he is first offender and accused pleads guilty. Hence, offence is proved. The antecedent of the accused No. 7 is unblemished. Hence, he claimed for leniency. After hearing the accused and his learned advocate and considering nature of the offence, age of the accused and as value of stolen railway property is of Rs. 39,000/- and same is recovered. Furthermore, the repentance of the accused for his act. Therefore, I am of the considered view that, instead of awarding maximum punishment as provided for the above offence, following order will suffice ends of justice. In the result, I pass following order:

ORDER

1. Accused No. 7 Babusha @ Pingya Chigalya Kale is convicted under Section 269(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the offence punishable under Section 3(a) of the RP(UP) Act and he is sentenced to suffer simple imprisonment for 3 months and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default of payment of fine he shall further to suffer simple imprisonment for 10 (ten) days.

2. Accused is convicted under Section 269(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the offence punishable under Section 147 of the Railways Act, 1989 and he is sentenced to suffer simple imprisonment for one month and to pay a fine of Rs. 1,000/- (Rupees One thousand only), in default of payment of fine he shall further to suffer simple imprisonment for 5 (five) days.
3. Both sentences shall run concurrently.
4. Accused did not furnish bail therefore no separate order is passed as to bond and bail bond.
5. The fine amount, if recovered, be credited to the Government.
6. Muddemal order is not passed as the trial shall continue against remaining accused.
7. Accused was behind the bars since 10.04.2026 to till 02.07.2026, therefore set off for that period as per section 468 of B. N. S. S., 2023 is given to him.
8. As per Section 404(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 copy of Judgment be supplied to the accused free of cost, immediately.

(Dictated and pronounced in open Court).

Place : Daund.
Date : 03.07.2026.

(Sunil S. Dahatonde)
Judicial Magistrate First Class,
Railway Court, Daund, Dist. Pune.