

Order Below Exhibit 01

1. Today the accused is produced before the court. On asking the accused he averred that "he does not want to engage lawyer".
2. The prosecution has filed the present report, after inquiry, against the accused for offence under **Section-147 of the Railways Act.**
3. Accused agreed to plead guilty, which is voluntary, out of free will, without any influence or coercion from any corner. The court has taken all the cautions that the entire process has been completed voluntarily and all the consequences are explained to the accused person.
4. Looking to the record, the accused has also confessed his guilt in front of RPF officials. In ***Balkishan A. Devidayal v. State of Maharashtra, 1981 AIR 379*** Hon'ble Apex Court held that RPF could not be deemed to be a 'police officer' within the meaning of Section 25 of the Evidence Act, and therefore, any confessional or incriminating statement recorded by RPF in the course of an inquiry under Section 8(1) of the 1966 Act, cannot be excluded from evidence under the said section.
5. The basic principle of Criminal Jurisprudence has been that the punishment that fits the crime is the appropriate punishment in proportion to the culpability of the criminal conduct and it is what the offender or the perpetrator deserves for his crime. It is also required to be noted that disproportionately large sentences in excess of blameworthiness would be as unjustifiable as disproportionately small sentences. Disproportionately large sentences would be futile and useless infliction of suffering, it represents needless sufferings.
6. It is evident that accused is poor, uneducated and he has not been previously convicted for same kind of offence. Therefore keeping in mind the real purpose of sentencing, the accused is hereby held guilty of offence punishable under Railways Act. Thus I pass the following order:

Order

1. The accused is hereby sentenced to undergo sentence of 0 days imprisonment and to pay a fine of **Rs.100/-** and in default to undergo imprisonment for one month.
2. Non Valuable Muddamaal be disposed off, if any.
3. The case file be consigned to record room after due compliance.

Signed and Pronounced in the open court.

Date: 7/10/2022
Place: Bhavnagar

(Arun Soni)
Judge Code: GJ01422
JMFC(Railways)