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CC.No.2759 of 2026,
Dated 04.05.2026.

IN THE COURT OF THE VII ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS FOR RAILWAYS-CUM-VII ADDITIONAL CIVIL JUDGE (JUNIOR DIVISION), VIJAYAWADA.

Present:- R. Venkateswara Sharma,
VII Addl. Judl.Magistrate of First Class,
For Railways-cum-VII Addl. Civil Judge
(Junior Division), Vijayawada.

Monday, this the 4th day of May, 2026

Calendar Case No.2759 of 2026

(Cr.No.1013 of 2025/RPF/Eluru)

BETWEEN:

V.V.Ratnam
ASIPF/RPF/Eluru.

.... Complainant

- Vs -

Saragad Srinu, S/o. Narasima,
Age 61, H.No.19-08/1-46,
Old Raja Rajeswaripeta,
Vijayawada, NTR District.

.... Accused.

This case coming on 04.05.2026 for final hearing before me in the presence of **Sri T. Murali**, Learned Public Prosecutor for the complainant and of **Smt. Jeevan Jyothi**, Legal Aid Counsel, for Accused, upon hearing both sides and the matter having been stood over for consideration till this day, Court delivered the following:-

J U D G M E N T

1. Assistant Sub-Inspector, RPF, Eluru, has filed this complaint under Section 153 of Railway Act against the accused with the following allegations:.



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2. According to Pw.1, that on 27.08.2025 at about 14:10 hours, he received a telephonic message from security control, Vijayawada, stating that train number 22643 express while passing between Pedda Avutupalli and Thelaprolu railway stations, an unknown person pelted the stones on the train which resulted the window of S3 coach near berth number 68 was hit. Immediately, he rushed to the place of offence and caused inquiry and as no one was found, he came back to the RPF post, registered a case in crime number 1013/25 under section 153 of railway Act. He submitted occurrence report to the Hon'ble Court.

3. During course of inquiries, on 14.11.2025 at about 11:00 hours, he along with his staff while causing inquiries apprehended the accused while he was moving suspiciously at Peda Avutupalli railway station and summoned two mediators Lws.2 and 3 and caused enquiry with the accused. Accused confessed that, he was collecting plastic and scrap material for his livelihood and while collecting the same on 27.08.2025 at about 2:00 PM at Peda Avutupalli railway station, he pelted stones on train and out of fear, he absconded and then Pw.1 recorded his statement.

4. As lead and shown by the accused, they proceeded to the place where the accused pelted stones on the train and he prepared an observation report. Then he brought the accused to the RPF post, Eluru and connected him to crime number



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1013/25 and issued notice under section 35 of BNSS, with a direction to attend the court as and when summoned. On 20.11.2025, he examined and recorded the statements of Lws.2 and 3 mediators. On 16.12.2025 he examined and recorded the statement of LW.4 who worked as TTI on train number 22643 on 27.08.2025. After completion of inquiries he filed complaint.

5. Cognizance of this case was taken for the offences under Section 153 of Railways Act.

6. Accused is put in appearance before the Court, copies of all documents, as contemplated u/s.230 of BNSS are furnished to him.

7. Accused is examined under section 269 of BNSS for the alleged offence after dispensing with the Pre-Trial enquiry u/Sec.267 of BNSS basing on the memo filed by learned Public Prosecutor. Charge under Sections 153 of Railways Act, has been framed, read over and explained to the accused in Telugu, for which, he pleaded not guilty and claimed to be tried.

8. The prosecution in order to prove the complicity of the accused has examined Pws.1 and got marked Exs.P1 to P6. The evidence of remaining witnesses cited in the memo of evidence has been given up by learned Public Prosecutor.

9. After closure of prosecution evidence, accused was examined u/s.351 of BNSS by explaining the incriminating material appearing from the evidence of prosecution witnesses, for which, he denied and reported no defence evidence.



10. I have heard the learned Public Prosecutor and learned Legal Aid counsel for the accused.

11. Now the question that arises for the consideration is :-

“Whether the prosecution is able to prove the guilt of the accused beyond all reasonable doubt, for the offence under Section 153 of Railways Act?”

12. **Point:-**

A case of pelting of stones on running train No.22643 on 27.08.2025 at S3 coach near berth number 68 was reported by Security Control Room, Vijayawada, and on receipt of said message, Pw.1 rushed to the place of offence, whereof, he did notice any offender, then he registered Crime under Ex.P1 occurrence report, and thereafter, he apprehended the accused on 14.11.2025 at about 11:00 hours, while on rounds at Pedda Avutupalli railway station, when he was moving in suspicious circumstances, and caused enquiries. prepared the observation report under Ex.P3, in the presence of mediators, recorded the confessional statement of accused under Ex.P2, and connected to the above crime, and did further enquiries.

13. What emerges from the recitals covered by Ex.P.3/observation report and Ex.P.2/confession statement of accused, recorded in the presence of mediators Lws 2 and 3 is that, accused having quarreled with his wife, came down to Vijayawada and pelted stone under the influence of alcohol on running train on train No.22643 on 27.08.2025, and thereby he voluntarily admitted the offence



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which he committed and in pursuance to the voluntary confession made by the accused, Pw1 arrested him and issued notice under section 35(3) of BNSS.

14. Admittedly, the place of offence, where the alleged incident took place, is in Railway premises, and there is no dispute in this regard. Entry of accused into the place of offence certainly becomes unlawful, as it is not his case, that he entered into the place of offence with lawful authority. The evidence of PW.1, clearly reveals that, he arrested the accused, in the railway premises, when he was moving in suspicious manner. Therefore, by all means, as the accused has failed to produce any record showing his lawful authority at the place where he was apprehended, it can be safely said that, he trespassed into the Railway premises. Nothing was elicited by the accused in the cross-examination of Pw.1 for doubting the enquiries made by them. The confessional statement of accused under Ex.P2 clearly would reflect that he had no intention of causing loss to Railways and only on account of family disputes with his wife, he consumed alcohol and under its influence unmindful of the consequences, he pelted stone on running train, there by no intention can be attributed to the accused in committing the unlawful act of pelting stone on running train. If the matter is viewed in that perspective, this court unhesitatingly hold that offence under section 153 of Railway Act has no application and at the best, offence under section 154 of Railway Act would come into play. Therefore, I hold that accused is not guilty of the offence under section 153 of Railway Act, however, he is guilty of the offence under section 154 of the



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Railway Act for his negligent act of pelting stone on running train under the influence of alcohol.

15. Accused is heard about the quantum of sentence to be imposed against him. He submits that, only on account of disputes with his wife, he came down to Vijayawada and under the influence of alcohol, he committed the offence and hence, prays for lenient view and in the event of sentencing him to maximum punishment, his family members would suffer starvation. In the facts and circumstances of the case, I feel that, it is not a fit case to invoke the provisions of Probation of Offenders Act.

16. Therefore, having considered the mitigating circumstances, this court feels it appropriate, instead of sentencing him to maximum punishment, imposing a fine of Rs.3,000/- would appear to be fair, adequate and could meet the ends of Justice in this case.

17. In the result, and for the reasons indicated above, I find that, accused is not guilty of the offence U/sec. 153 of Railway Act. Accordingly, he is acquitted U/sec. 271 of BNSS. However, I find that accused is guilty of the offence under section 154 of Railway Act, and accordingly, he is convicted under section 271 of BNSS and sentenced to pay a fine of Rs.3,000/- and in default of payment of fine, he shall undergo simple imprisonment for a period of 3 months. The accused is informed about his right to carry the matter in appeal and legal aid.



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Typed to my dictation by the Stenographer of this Court, corrected and pronounced by me in open Court, this the 04th day of May, 2026.

SD/-R.V. SHARMA,

**VII Additional Judicial Magistrate of First
Class for Railways-cum-VII Additional Civil
Judge(Junior Division), Vijayawada.**

Appendix of evidence
Witnesses examined

For Prosecution

For Defence

PW.1 : V.V. Ratnam(ASI/RPF)

-Nil-

Exhibits Marked

For Prosecution

Ex.P1: Occurrence report.
Ex.P2: Confessional statement of the accused
Ex.P3: Observation Report.
Ex.P4 & 5: Statements of Lws.2 and 3.
Ex.P6: Statement of LW.4

MATERIAL OBJECTS MARKED

---Nill---

SD/-R.V. SHARMA,

**VII Additional Judicial Magistrate of First
Class for Railways-cum-VII Additional Civil
Judge(Junior Division), Vijayawada.**

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**IN THE COURT OF THE VII ADDITIONAL JUDICIAL MAGISTRATE OF FIRST
CLASS FOR RAILWAYS-CUM-VII ADDITIONAL CIVIL JUDGE (JUNIOR
DIVISION), VIJAYAWADA.**

Present:- R. Venkateswara Sharma,
VII Addl. Judl.Magistrate of First Class,
For Railways-cum-VII Addl. Civil Judge
(Junior Division), Vijayawada.

Monday, this the 4th day of May, 2026

Calendar Case No.2759 of 2025

(Cr.No.1013 of 2025/RPF/Eluru)

BETWEEN:

V.V.Ratnam
ASIPF/RPF/Eluru.

.... Complainant

- Vs -

Saragad Srinu, S/o. Narasima,
Age 61, H.No.19-08/1-46,
Old Raja Rajeswaripeta,
Vijayawada, NTR District.

.... Accused.

Charges under section(s)	: Sec. 153 of Railway Act.
Date of occurrence	: 27.08.2025
Date of report	: 27.08.2025
Date of appearance	: 09.03.2026
Date of commencement of trial	: 16.04.2026
Date of closure of trial	: 16.04.2026
Date of hearing	: 30.04.2026
Date of Judgment	: 04.05.2026

Result of the Case : In the result, and for the reasons indicated
above, I find that, accused is not guilty of the offence U/sec. 153 of Railway Act.



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Accordingly, he is acquitted U/sec. 271 of BNSS. However, I find that accused is guilty of the offence under section 154 of Railway Act, and accordingly, he is convicted under section 271 of BNSS and sentenced to pay a fine of Rs.3,000/- and in default of payment of fine, he shall undergo simple imprisonment for a period of 3 months. The accused is informed about his right to carry the matter in appeal and legal aid.

Explanation for the delay : The case was taken on file on 09.03.2026. On 09.03.2026 copies furnished to the accused. On 31.03.2026 accused was examined u/s. 274 of BNSS, explaining the substance of accusation of accused for the offence U/sec.153 of Railways Act, read over and explained to him in Telugu, for which he pleaded not guilty and claimed to be tried. On behalf of prosecution, Pw.1 was examined, Exs.P1 to P6 marked. After closure of the prosecution evidence, the accused was examined u/s.351 of BNSS, putting the incriminating material evidence appears against him in the evidence of prosecution witness. Accused had denied the same and reported no oral or documentary evidence to adduce on his behalf. On 30.04.2026, Heard arguments. On 04.05.2026 Judgment was pronounced in the open Court.

SD/-R.V. SHARMA,
VII Additional Judicial Magistrate of First
Class for Railways-cum-VII Additional Civil
Judge(Junior Division), Vijayawada.

Copy submitted to
The Hon'ble I Additional District Judge, Krishna, Machilipatnam.

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