

IN THE COURT OF 36th METROPOLITAN MAGISTRATE,
MUMBAI CENTRAL, MUMBAI.

Case No.: 485/PW/2018

Exh. 02

- 01) Date of commission of Offence : 15/07/2018
- 02) Date of Report : 15/07/2018
- 03) Name of the informant with present age and residence. : The State of Maharashtra, through Police Station Officer, Railway Police Station, Bandra, Mumbai.
- 04) Name of the accused with present age and residence. : Mohammad Riyaz Khalid Shaikh, Age : 27 Yrs., Occ. Nil, R/o.: Indiranagar, Ganiman Society, Chawl No. 175, 90 Feet Road, Dharavi, Mumbai.
- 05) Particulars of the Offence / Charge : 1] That on 15.07.2018 at about 20.15 hours was boarding in up Chrchgate slow local train you intending to take dishonestly mobile handset Lava made out of possession of the informant Mr.Anupkumar Dineshchand Mishra without his consent, moved it in order to such taking and thereby committed an offence of theft, punishable under section 379 of Indian Penal Code and within my cognizance.
- 2] Secondly, on the same date, time and place you have trespassed or entered in railway premised without lawful authority and misused railway property and

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thereby committed an offence punishable under section 147 of the Railway Act and with my cognizance.

And, I hereby direct that you be tried by me on the said charge.

Sd/-

(S. R. Narwade)

Metropolitan Magistrate,
36th Court, Mumbai Central,
Mumbai.

Date : 12.09.2018

Statement of the accused

1) Have you received case paper/ police challan?

Ans. Yes.

2) Do you understand the particulars of offence now read over and explained you in vernacular?

Ans. Yes.

3) Do you plead guilty?

Ans. Yes, I plead guilty.

Signature/ T.I. of the accused

Sd/-

(S. R. Narwade)

Metropolitan Magistrate,
36th Court, Mumbai Central,
Mumbai.

Date : 12.09.2018

JUDGMENT

(Delivered on 12th day of September, 2018)

The accused voluntarily plead guilty. Therefore, the accused is liable to be convicted. The accused submits that he is only earning member of his family. He further submits that this is his first offence. Therefore, the accused prayed for leniency. Considering submissions of the accused, in my view, lenient view will have to be taken. Hence, I pass the order :-

ORDER

(01) The accused Mohammad Riyaz Khalid Shaikh, R/o.: Indiranagar, Ganiman Society, Chawl No. 175, 90 Feet Road, Dharavi, Mumbai is convicted for the offence punishable under section 379 of the Indian Penal Code vide section 241 of the Code of Criminal Procedure Code and he is sentenced to suffer Rigorous Imprisonment for 04 (Four) months.

(02) The accused is further convicted for the offence punishable under section 147 of the Railways Act vide section 241 of the Code of Criminal Procedure Code and he is sentenced to suffer Rigorous Imprisonment for 01 (One) month.

(03) Set off under section 428 of the Code of Criminal Procedure be given to the accused in sentence from 15.07.2018 till date.

(04) Both the sentences shall run concurrently.

(05) The seized mobile handset Lava made be returned to the informant Mr. Anupkumar Dineshchand Mishra, R/o.: Shop No. 32, 1st Floor, New Municipal Chawl, Sant Kakaiya Marg, Bhorwada, Dharavi, Mumbai after appeal period is over.

Sd/-

(S. R. Narwade)

Metropolitan Magistrate,
36th Court, Mumbai Central,
Mumbai.

Date : 12.09.2018