

**IN THE COURT OF THE SPECIAL JUDICIAL RAILWAY  
MAGISTRATE, TINSUKIA**

**PRESENT:** M. HAZARIKA, AJS

Special Railway(Judicial) Magistrate, Tinsukia

**SR/CR Case no 296 / 19**

**(U/S 174(a)/146/147 of Railway Act, 1989)**

Union of India

VS

1. Chandra Senapati
2. Kajal Gohain

**Appearance**

For State: Mr.Y.K.Misra

For Defence: Mr. Kalyan Borpuzari, Mrs. N.Dutta

Date of Evidence: 29.04.2019

Date of Examination of Accused person: 06.05.2019

Date of Argument: 06.05.2019

Date of Judgment: **06.05.2019**

## **J U D G M E N T**

1. The prosecution case is that on 21.01.2019 at about 5 PM, 900-1000 picketers of ASSAM MOTOK SANMILAN, ALL ASSAM MOTOK YUVA CHATRA SANMILAN, ALL ASSAM MOTOK MAHILA PARISHAD, ALL ASSAM MOTOK CHTRA SANTHA and ALL ASSAM MUTOK YOVA CHATRA SANMILAN under the leadership of accused persons namely Kajal Gohain and Chandra Senapti had illegally entered Panitola railway station and conducted "rail roko" agitation against the Citizenship Amendment Bill and as a result train 15960 Dn, 15910 Up, 75903 Up and 75907 Dn were detained in the said station for about 2 hours approx. It is pertinent to mention here that the said accused persons had also obstructed the working of on duty railway servant at train no. 15960 Dn, 15910 Up, 75903 Up and 75907 Dn.

## **INVESTIGATION**

2. On receipt of the complaint petition IPF/NTSK of RPF/POST/NTSK registered the case vide RPF/POST/NTSK Case No 43/19 under Section 174(a)/146/147 of The Railways Act, 1989. The E/O of the instant case visited the place of occurrence, recorded the statement of witnesses as well as statement of the accused persons, arrested the accused persons and released them on bail. E/O on conclusion of the investigation submitted the prosecution report against the aforesaid accused persons under section 174(a)/146/147 of The Railways Act, 1989.

3. On receipt of the prosecution report, this Court took cognizance of the case for disposal. The accused persons were served with summons and on their appearance before the Court they were allowed to go on bail. The accused persons were served with copies as per statutory provision and the charge punishable under section 174(a)/146/147 of The Railways Act, 1989 read over and explained to the accused persons to which they pleaded not guilty and claimed to stand the trial.

## **TRIAL**

4. In order to establish its case, Prosecution examined one witnesses i.e complainant as PW1 and exhibited the complaint petition as Ext-1. As the witness produced by the prosecution side implicated the accused persons as a result accused persons were examined under section 313 CrPC. Accused admitted the allegation meted out against them in the evidence produced by the prosecution side and also declined to adduce defence evidence. Defence case is nothing but bare denial of the prosecution case.
5. I have heard the Learned Counsel for the parties on length and upon hearing and perusal of records. I have framed the following points for determination in order to form a definite finding regards the discussion.

## **POINTS FOR DETERMINATION**

6. Whether the accused persons on 21.01.2019 at about 5PM along with 900-1000 picketers had illegally entered the Panitola Railway station and prevented railway servant of train no. 15960 Dn, 15910 Up, 75903 Up and 75907 Dn from conducting their duties lawfully and also conducted

Rail Roko at the said station and thereby committed an offence punishable under section 147/146/174(a) of The Railways Act,1989.

## **DECISION AND REASON therefore**

7. I have gone through the entire evidence on record and also heard Ld. Counsel for both side. In backdrop of these facts let me appreciate the evidence produce by the prosecution.
  
8. PW1 namely ASI D.C. Baishya in his evidence stated that on 21.01.2019 at about 5 PM accused persons along with 900-1000 picketers illegally entered the Panitola Railway Station and conducted rail roko. PW1 stated that as a result of the said agitation train no. 15960 Dn, 15910 Up, 75903 Up and 75907 Dn were detained for about 2 hours in the said station. PW1 stated that the accused persons along with the picketers had prevented the railway servants present in the said station from discharging their duties lawfully.
  
9. On perusing the Exhibited documents as well as evidence of the prosecution side as a whole it transpires that on 21.01.2019 at about 5 PM accused persons along with 900-1000 picketers illegally entered the Panitola Railway station and conducted rail roko as a result of which train no. 15960 Dn, 15910 Up, 75903 Up and 75907 Dn were late by about 2 hours in the said station. It is pertinent to mention here on perusing the evidence of the prosecution side that a strong inference can be drawn towards the guilt of the accused person since defence did not cross examined the said vital witness.

10. From the evidence of the prosecution side, it is proved beyond reasonable doubt, that the prosecution has succeed to bring home the charge leveled against the accused persons beyond all reasonable doubt Accordingly accused are hereby convicted under Section174(a)/146/147 of The Railway Act,1989.

## **Sentence Hearing**

11. I have heard the accused person on the question of sentence proposed to be imposed on him and the same was written in a separate sheet and tag with the case record. The accused persons prayed for mercy and leniency in sentencing him as he is the only earning member of his family.

12. Considering the nature of the offence and the circumstance of its commission, this Court deem it fit and proper to provide the benefit of Probation of Offenders Act,1958 to the accused persons. Since the offence committed by the accused persona are not heinous and that it is the first offence committed by the accused person. Moreover accused is the only earning member of his family and they are the only person to maintain their family.

## **ORDER**

In view of the above discussion, this Court is of the view that accused persons are guilty u/s 174(a)/146/147 of The Railway Act,1989. And accordingly the convicted accused persons namely Sri Chandra Senapati and Sri Kajal Gohain are sentenced to pay a fine of Rs 4,000/- (Rupees Four Thousand only) each i/d SI for fifteen days.

Let a copy of this judgment be furnish to the accused person free of cost.

Judgment is signed, sealed and delivered in the open Court on this 6<sup>th</sup> day of May, 2019

Dated: 06.05.2019

Mrs. Merileen Hazarika  
Special Railway Magistrate, Tinsukia

## **APPENDIX**

**Witness for Prosecution**

PW1

D.C. Baishya

**Witness for Defence**

Nil

**Document for Prosecution**

Ext1

Cpmlaint petition

Ext1(1)

Signature of PW1

**Document for Defence**

Nil