

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

PRESENT: M. HAZARIKA, AJS

Special Railway(Judicial) Magistrate, Tinsukia

SR/CR Case no 343 / 19

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

Union of India

VS

1. Ratul Moran

2. Arunjyoti Moran

Appearance

For State: Mr.Y.K.Misra

For Defence: Md Aizullah

Date of Evidence: 07.05.19

Date of Examination of Accused person: 07.05.19

Date of Argument: 07.05.19

Date of Judgment: **07.05.19**

J U D G M E N T

1. The prosecution case is that on 20.01.19 at about 06.25 PM complainant namely Deepak Borah received an information from Security Control Room, Tinsukia that accused persons namely Ratul Moran and Arunjyoti Moran along with one hundred picketers under the banner of All Assam Moran Students Union had blocked the movement of train No. DN SNTP Coal at MJN Rly Station in protest for ST status and against the Citizen Amendment Bill. And as a result of the said blocked, train No. DN SNTP Coal was detained at MJN Rly Station from 6.20 PM 20.01.19 till 6 PM 25.01.19.

INVESTIGATION

2. On receipt of the complaint petition IPF/TSK of RPF/POST/TSK registered the case vide RPF/POST/TSK Case No 12/19 under Section 174(a) of The Railways Act, 1989. The E/O of the instant case visited the place of occurrence, prepared sketch map, seized documents and also recorded the statement of witnesses as well as statement of the accused persons. The EO of the instant case 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) 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) 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 witness as PW1 as complainant of the instant case and exhibited the Complainant 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. (i) Whether the accused persons on 20.01.19 at about 06.20 PM had conducted protest rally at MJN Station and blocked the movement of Train No. DN SNTP Coal and thereby committed an offence punishable under section 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 fact let me appreciate the evidence produce by the prosecution.

8. PW1 namely Deepak Borah, complainant of the inatant case, in his evidence stated that on 20.01.19 at about 6.20 PM accused persons along with their supporters conducted protest rally at MJN Rly Station and blocked the movement of Train No. DN SNTP Coal. PW1 stated that as a result of the said incident Train No. DN SNTP was detained from 6.20 PM 20.01.19 to 6 PM 25.01.19 at the said station. PW1 stated that after said incident he had lodged the instant case against the accused persons at RPF/POST/TSK

9. On perusing the exhibited documents as well as evidence of the prosecution side as a whole it transpires that on 20.01.19 at about 6.20 PM accused persons along with one Hundred protestors conducted protest rally at MJN Rly Station and blocked the movement of Train No. DN SNTP Coal. And as a result of the said incident train no. DN SNTP Coal was detained in the said station from 6.20 PM 20.01.19 to 6 PM 25.01.19. 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 persons 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 succeeded to bring home the charge leveled against the accused persons beyond all reasonable doubt. Accordingly accused persons are hereby convicted under Section 174(a) of The Railways Act,1989

Sentence Hearing

11. I have heard the accused persons on the question of sentence proposed to be imposed on them 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 them as they are the only earning member of their respective families.

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 persons are not heinous and that it is their first offence. Moreover accused persons are the only earning members of their respective families.

ORDER

In view of the above discussion, this Court is of the view that accused persons are guilty u/s 174(a) of The Railways Act, 1989. And accordingly the convicted accused persons namely Ratul Moran and Arunjyoti Moran sentenced to pay a fine of Rs 2000/- (Rupees Two Thousand only) each i/d SI for fifteen days.

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

Judgment is signed, sealed and delivered in the open Court on this 7th day of May, 2019

Dated: 07.05.19

Mrs. Merileen Hazarika
Special Railway Magistrate, Tinsukia

APPENDIX

Witness for Prosecution

PW1

Deepak Borah

Witness for Defence

Nil

Document for Prosecution

Ext1

Complaint petition

Ext1(1)

Signature of PW1

Document for Defence

Nil