

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

**Present:** Ms Pranjita Konwar, AJS

**Date of Judgment:** 27-05-22

**SR CR Case No. 332/22**

**RPF/POST/NTSK Case No. 95/21**

Under section 143 Railways Act, 1989

*COMPLAINANT:* Union of India.

*REPRESENTED BY:* Sri Y. K. Misra, Public Prosecutor.

*ACCUSED PERSON:*

1. Sri Sandeep Das  
Son of Sri Sanjit Das  
2 no. Chapatali Bhadoi Panchali  
P.S. Bhadoi Panchali  
District Dibrugarh  
Assam----- *Accused Person No. 1*

*REPRESENTED BY:* Sri K. Borpujari and Smti N. Dutta,  
Advocates.

**Date of Offence:** 11-12-21

**Date of Complaint:** 11-12-21

**Date of Prosecution Report:** 16-03-22

**Date of Commencement of Evidence:** 27-05-22

**Date on which Judgment is reserved:** 27-05-22

**Date of Judgment:** 27-05-22

**Date of the Sentencing Order:** 27-05-22

### **Accused Details**

<b>Rank of the Accused</b>	A1
<b>Name of the Accused</b>	Sri Sandeep Das
<b>Date of Arrest</b>	12-12-21
<b>Date of Release on Bail</b>	18-12-22
<b>Offences charged with</b>	Under section 143 Railways Act, 1989
<b>Whether Acquitted or Convicted</b>	Convicted
<b>Sentence imposed</b>	Fine of Rs. 8000.00 (Rupees Eight Thousand only) and in default of which he shall undergo simple imprisonment for a period of 1 (one) month.
<b>Period of detention undergone during trial</b>	None

### **JUDGMENT**

1. The case of the prosecution was initiated on a written complaint being filed by one Sri Mridul Borah, SI/CIB/TSK that

Sri Sandeep Das was found to procure and sell railway tickets without any legal authority.

2. The said complaint was received and registered as RPF/POST/NTSK Case No. 95/21 under section 143 of the Railways Act, 1989 (herein after referred to as the Act) and the case was endorsed for enquiry and report.

3. The enquiry on being concluded resulted in the Enquiry Officer (herein after referred to as EO) concerned to submit the prosecution report against the accused person Sri Sandeep Das under section 143 of the Act.

#### *Trial*

4. In pursuant to the Court process, cognizance was taken against the accused person Sri Sandeep Das and summons were issued to the accused persons. After appearance of the accused persons, the prosecution side adduced evidence before charge of 02 (two) witnesses. The prosecution witnesses were not put to cross examination with the defence side having declined to do so. Formal charge in writing under section 143 of the Act was framed against the accused person to which the accused person pleaded not guilty and claimed to be tried. After closure of prosecution evidence, the statement of the accused person under section 313 CrPC was recorded by putting to the accused person the incriminating materials found against him during prosecution evidence. The accused person admitted as true all that which has been deposed against them and also declined to adduce any evidence in his defence.

5. I have heard argument of the learned counsels of both the sides.

### **POINT FOR DETERMINATION**

6. Whether the accused persons, Sri Sandeep Das, on or about the 11<sup>th</sup> day of December, 2021 at Bhadoi Panchali, Dibrugarh carried on unauthorised business of procuring and supplying of railway tickets and thereby committed an offence punishable under section 143 of the Act?

### **DISCUSSION, DECISION AND REASONS THEREOF**

7. In the light of definition of the law let me now appreciate the evidence to see whether the accused persons committed the offence punishable under section 143 of the Act.

8. All the PWs could recognise the accused person and deposed that in course of a drive some tickets were recovered from the computer of the accused person and that the accused person had failed to give any satisfactory reply with regard to his business of railway tickets that he made using his personal user IDs and the accused person also failed to produce any authority from IRCTC to make railway tickets.

9. The defence side did not rebut the assertions made by the PWs in their deposition and also declined to cross examine the PWs.

10. From the evidence of the PWs it is seen that the evidence of the PWs has remained consistent throughout and in the absence of cross examination or denial by the defence

side, the allegation of the prosecution side remains unrebutted and reliable. From perusal of the documents exhibited by the prosecution side as well as from the evidence of the prosecution side it is seen that the accused person had, in an unauthorised manner, made railway tickets and some railway tickets were also found in his possession. Hence a strong inference can be drawn towards the guilt of the accused persons and the prosecution side can be said to have succeeded to bring home the charge punishable under section 143 of the Act against the accused persons.

### **DECISION**

11. The point for determination is decided in affirmative and against the accused person.

### **ORDER**

12. Upon full and complete appraisal of the evidence on the record and in view of decision reached on the point for determination chalked out in this case, I have no hesitation to hold that the evidence adduced by the prosecution abundantly proves beyond all reasonable doubt that the accused person Sri Sandeep Das is **found guilty for the offence under section 143 of the Railways Act, 1989 and he is convicted under section 143 of the Railways Act, 1989.**

13. As the accused person is found guilty for committing offence under section 143 of the Act, I have considered as to

whether the benefit of Probation of Offenders Act 1958 can be extended to the accused person. Considering the facts and circumstances of the case and also the nature of the offence, I do not deem it to be a befitting case to extend the benefit of the provisions of the Probation of Offenders Act, 1958 to the accused person.

14. Heard the convict on the point of sentence.

15. I have also considered the submission of both sides.

16. The convict Sri Sandeep Das is sentenced **to pay a fines of Rs. 8000.00 (Rupees Eight Thousand only) and in default of which he shall undergo simple imprisonment for a period of one month.** In my view this sentence will be sufficient to meet the ends of justice.

17. Let a copy of judgement be furnished to the convict free of cost forthwith.

18. Materials seized during enquiry to be disposed of in due course of law and time.

19. Judgment is pronounced in open court by reading out the operative part of same.

20. Case is disposed on contest.

Given under my hand and seal of this court on the 27<sup>th</sup> day of May, 2022.

**(PRANJITA KONWAR)**  
Special Railway Magistrate  
Tinsukia

**APPENDIX**

**Prosecution Witnesses:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b>
PW 1	Sri Mridul Kalita	Official witness
PW 2	Sri Bubul Baishya	Official witness

**Prosecution Exhibits:**

<b>Sr. No.</b>	<b>Exhibit number</b>	<b>Description</b>
1	Exhibit P1/PW 1	Seizure list
2	Exhibit P2/PW 1	Zimmanama Complaint
3	Exhibit P3/PW 1	Complaint
4	Exhibit P4/PW 1	Statement of PW 1
5	Exhibit P1/PW 2	Statement of PW 2

**Defence Witnesses:**

None

**Defence Exhibits:**

None

**Court Witnesses:**

None

**Court Exhibits:**

None

**Material Exhibits:**

MO 1 to MO 7: Railway e-tickets

**(PRANJITA KONWAR)**  
Special Railway Magistrate  
Tinsukia

