

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No.254 of 2015
IN
Criminal Appeal No. of 2015
[Union of India Vs. Ritesh Kailash Gupta]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. N.P. Lambat, Adv., for the appellant.

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CORAM : A.B. CHAUDHARI, J.

DATE : 25th January, 2016.

Heard learned counsel for the appellant.

This is an appeal against Judgment and order of acquittal of the respondent-accused of the offence under Section 143 of the Indian Railways Act dated 19th January, 2015 passed by learned Judicial Magistrate First Class [Railways], in Criminal Case no. 186 of 2007,

Keeping in mind the ratio in the case of **Darshan Singh Vs. State of Punjab** [2010 (2) SCC 333], and looking to the finding recorded by the Trial Judge in Para 10 of the Judgment that the prosecution failed to prove its case with proper evidence about the appellant doing the business of sale of railway tickets, the Trial Judge recorded the finding of acquittal.

Learned counsel for the appellant vehemently argued that there is a confessional statement of the accused which has not been considered by the Trial Court in the proper perspective. I have perused para 11 of the Judgment in that connection, and find that the Trial Judge has found absence of independent Panchas and respectable persons before whom the statement is required to be recorded and, therefore, the Trial Judge could not act on the alleged confession. In this situation, I do not think that the Trial Judge has committed any error in not relying on the confession.

In that view of the matter, Leave is refused. Criminal Appeal is dismissed.

Judge