

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.08.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN**Cr1.R.C. (MD) No.258 of 2013**

WEB COPY

S.Muralidharan

.. Petitioner/Accused

Vs.

The Sub Inspector of Police,
Railway Protection Force,
Security Branch,
Southern Railway,
Madurai - 16

.. Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., against the Judgment dated 29.06.2012 passed by the Learned Judicial Magistrate, No.2, Madurai in S.T.C.No.1434 of 2012.

For Petitioner : Ms.S.Janaki

For Respondent : Mr.A.Robinson,
Government Advocate.

O R D E R

This Criminal Revision Petition is arising out against the judgment and conviction imposed by the trial Court in S.T.C.No.1434 of 2012 for offence under Section 143 of Railways Act 1989.

2. The case of the prosecution is that on 29.06.2012 at about 08:30 hrs, when the Sub Inspector of Police, attached to the Railway Protection Force(R.P.F.), Madurai along with the Head Constable having confidential surveillance watch at the Advanced Reservation Centre, Madurai junction- Eastern entry, noticed the revision petitioner herein in a suspicious manner. Hence, he was enquired by the police team. When his shirt pocket was searched, he was found in possession of railway reservation ticket for Jaipur-Udaipur Express, Train No.19665 and the journey date was on 27.10.2012. On further enquiry, he admitted that he is unauthorizedly carrying on the business of procuring and supplying railway tickets. Therefore, the railway ticket was seized from the revision petitioner under the cover of mahazar. Based on the alleged voluntary confessional statement given by the revision petitioner, he was arrested for offence under Section 143 of the Railways Act, 1989(as amended in 2003) and produced before the Judicial Magistrate - II, Madurai on the same date.



3. When the accused was produced for remand along with the remand report, it appears that the accused has pleaded guilty. Therefore, the learned Magistrate has straight away convicted him and imposed fine of Rs.10,000/- (Rupees Ten thousand only), in default, to undergo 7 days simple imprisonment. Challenging the said order of conviction, the present revision petition is preferred.

4. On the face of the impugned order, which is under challenge, though it appears as an uncontested case, where the petitioner has pleaded guilty, but the manner in which it has been recorded and quantum of punishment imposed, is contrary to law and it requires interference of this Court. The illegality in the impugned order is that, when the revision petitioner was produced before the Magistrate for remand, accepting the plea of guilty, on the same day, conviction and sentence have been imposed. No time for reflection was given to the accused person. From the point of arrest till the remand, the accused / petitioner has been under the custody of the police and he should have been given time for reflection before passing any order.

5. Since this Court feels that before sentencing the revision petitioner, the trial Court ought to have given time for reflection and failure to give reflection time, renders the judgment liable to be set aside.

6. Accordingly, the impugned order is set aside and the matter is remanded back to the trial Court for fresh consideration.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1) The Learned Judicial Magistrate- No.2,
Madurai.
- 2) The Chief Judicial Magistrate, Madurai.
- 3) The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

+1cc to M/s.S.Devasena, Advocate Sr.No.78653

STS

VB/RSK/SAR1/20.09.2018/2P/5C