



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (APL) NO. 1727 OF 2025**

[Mr. Joel s/o Ratan Masih **vs.** The State of Maharashtra, through Railway P.S.,  
Lohmarg Station, Nagpur]

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

Court's or Judge's orders

Mr. Amit Khare, Advocate for the applicant  
Mr. A. M. Kadukar, APP for the State/non-applicant

**CORAM: MRS. VRUSHALI V. JOSHI, J.**

**Date of reserving the order** : **27-04-2026.**

**Date of pronouncing the order** : **30-04-2026.**

The applicant has challenged the order passed by the Judicial Magistrate First Class, Railway Court, Nagpur below Exhibit 8 in R.C.C. No. 352/2023 rejecting the discharge application filed by the applicant.

2. It is the case of the prosecution that on the complaint lodged by one passenger, namely, Rohit Anuj Kumar traveling by Purna-Patna Express, the offence under Section 420 of the Indian Penal Code (IPC) is registered against the applicant. The complainant was travelling from Purna-Patna Express along with his maternal aunt and brother. When the train reached at Nagpur Railway Station, the applicant, who is ticket checker, asked the complainant about his ticket. The complainant was having waiting list ticket and, therefore, he informed the complainant that he has to pay challan of Rs. 5,000/-. The complainant asked the applicant whether he will issue receipt. At that time, the applicant assured the complainant that he will issue receipt and he paid

Rs. 5,000/- to the said person and the said person got down at Nagpur Railway Station. The complainant has stated that he has not received the receipt and further any seat, therefore, in Itarsi, he has called the helpline and lodged the complaint. He has given description of the person, who was wearing the ear ring and one tatoo on his neck. Accordingly, First Information Report (FIR) was registered. Thereafter the statements were recorded. The statement of the complainant was recorded on mobile. After receiving complaint, the CCTV footage was examined and the applicant was found wearing ear ring and having tatoo on neck and, therefore, the FIR is registered against him.

3. Learned counsel for the applicant has stated that without any evidence on record, the crime is registered. It is without sanction. The trial Court has not considered that no offence is made out against this applicant. The applicant was not identified. There is no any departmental enquiry initiated against the applicant. On the basis of said FIR, there is no material on record to show that he has committed any offence, hence, prayed to allow the application.

4. Learned Additional Public Prosecutor has opposed the application stating that the applicant was identified by the first informant on WhatsApp message. He was found in CCTV footage. The other three ticket collectors informed that he was on duty on that day. The sufficient material is on record. The sanction will be considered at the time of trial. At this stage, it cannot be

considered and the order passed by the trial Court is correct, hence, prayed to reject the application.

5. Heard both counsel. The offence under Section 420 of the IPC is registered against the applicant. The allegations are that the applicant has received Rs. 5,000/- and he has not issued the receipt or challan and, therefore, he has cheated the complainant. The applicant is the officer of Railway. The sanction is required for registration of crime against the Government servant.

6. The applicant has relied on the judgment of the Hon'ble Apex Court in the case of ***Suneeti Toteja Vs. State of U.P. and anr. [2025 AIR (SC) 1308]*** wherein it is observed that the test to decide whether sanction is necessary in a particular case is, whether, the act is totally unconnected with the official duty or whether, there is a reasonable connection with the official duty.

7. In the present case, the allegations are made against the applicant are that the applicant was discharging his official duty and that he had committed said offence. Therefore, the sanction is required as per the observations made by the Hon'ble Apex Court. Only on the ground that the applicant was shown on WhatsApp, he has identified the applicant and has made the statement that he had taken Rs. 5,000/- from the complainant. That is the only allegation against the applicant. As the sanction is not obtained before filing of FIR and the statement was recorded on mobile, there is nothing on record to show that the complainant was travelling in said train and he

was having valid ticket. It was not seized during investigation. Hence, the case is made out to discharge the applicant. The order passed by the Judicial Magistrate First Class, Railway Court, Nagpur below Exhibit 8 in R.C.C. No. 352/2023 rejecting the discharge application is set aside. The applicant is discharged from the said offence.

8. The application stands disposed of.

**JUDGE**

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