
(2021) 02 PAT CK 0084

Patna High Court

Case No: Criminal Revision No. 1226 Of 2019

Raju Kumar

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

Date of Decision: Feb. 1, 2021

Acts Referred:

- Railways Act, 1989 - Section 143

Hon'ble Judges: Ashutosh Kumar, J

Bench: Single Bench

Advocate: Umesh Chandra Verma, Amaresh Kumar Sinha, Shailendra Kumar

Final Decision: Partly Allowed

Judgement

1. Heard Mr. Umesh Chandra Verma, learned Advocate for the petitioner/revisionist and Mr. Amaresh Kumar Singh, learned counsel for the

Railways/opposite party No. 2. The State is represented by Mr. Shailendra Kumar, learned Advocate.

2. This criminal revision is directed against the judgment and order dated 09.09.2019 passed by the learned 1st Addl. Sessions Judge-Cum-Special

Judge, POCSO & SC/ST, West Champaran at Bettiah in Cr. Appeal No. 27 of 2016, whereby he has affirmed the judgment and conviction of the

petitioner/revisionist, but has enhanced the sentence to two years and a fine of Rs. 10,000/- for the offence punishable under Section 143 of Railways

Act, 1989 (in short the Act) as also the judgment and order of conviction passed by the Court of Judicial Magistrate, Railways, Narkatiaganj, Bettiah

in Trial No. 0378 of 2016 arising out of RPF (Raxaul) Complaint Case No. 224 of 2009, which had sentenced him to undergo imprisonment for one

year and a fine of Rs. 5,000/- for the offence under Section 143 of the Act. In default of payment of fine, the petitioner/revisionist was directed to suffer simple imprisonment for three months.

3. The petitioner/revisionist was apprehended while he was standing in a queue before the railway ticket counter. The aforesaid arrest was effected

because the raiding team had noticed the conduct of the petitioner/revisionist to be rather suspicious. He was identified as Raju Kumar and from his

possession, two reservation requisitions and Indian currency note of Rs. 12340/- and Nepali currency note of 3505/- was also recovered, apart from a

mobile telephone.

4. A complaint, therefore, was lodged under Section 143 of the Act for carrying on the business of procuring and supplying of railway tickets in an

unauthorized manner.

5. Altogether seven prosecution witnesses were examined in the trial, but no independent person appeared to have been examined.

6. Learned counsel for the petitioner/revisionist has submitted that no traveling ticket had been recovered from him and merely because he was found

in possession of requisition slips for purchase of tickets, that cannot be said to be any evidence of carrying on the business of procuring and supplying

of railway tickets.

7. It has further been submitted that the Appellate Court wrongly enhanced the sentence and that also on the reasoning which is not supported by

evidence and it was only a caprices of the Appellate Court.

8. Perused the Trial Court as well as the Appellate Court judgments.

9. The petitioner/revisionist was found with two railways requisition slips and currency of Nepali and Indian origin. No explanation also could be

provided by him for being in possession of those requisition slips. The names on the requisition slips are not of any relative or acquaintance of the

petitioner/revisionist.

10. Thus, the conviction of the petitioner/revisionist under Section 143 of the Act cannot be faulted with.

11. However, this Court is of the view that commensurate with the nature and gravity of the offence, the sentence imposed by the Appellate Court as

well as by the Trial Court are excessive.

12. The petitioner/revisionist is in custody since 03.07.2019.

13. This Court is of the view that it would be appropriate if the petitioner/revisionist is awarded the sentence for the period which he has already undergone in custody.

14. This revision application is, therefore, partially allowed.

15. The judgment of conviction is affirmed. However, the sentence passed by the Trial Court and enhanced by the Appellate Court are set aside. The sentence imposed upon the petitioner/revisionist shall be the period which he has already undergone in custody.

16. The petitioner/revisionist was released on bail during the pendency of this revision application by this Court vide order dated 24.06.2020.

17. The bail-bonds of the petitioner/revisionist, therefore, stand cancelled.

18. Revision Petition is partially allowed.