

### Comment

Sec. 138 provides for levy of excess charge and fare for traveling proper pass or ticket or beyond authorized distances and for punishment in case of refusal or failure to pay fare and excess charge.

**139. Power to remove persons.-** any person failing or refusing to pay the fare and the excess charge referred to in Sec. 138 may be removed by any railway servant authorized in this behalf who may call to his aid any other person to effect such removal.

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket.

Provided further that a woman or a child if unaccompanied by a male passenger, shall not be so removed except either at the station from where she or he commences her or his journey or at a junction or terminal station or station at the headquarters of a civil district and such removal shall be made only during the day.

### Comment

Section 139 empowers the railway servant to remove persons from railway on failure or refusal to pay fare and excess charge.

**140. Security for good behavior in certain cases.-** (1) When a court convicting a person of an offence under Sec. 137 or Sec. 138 finds that he has been habitually committing or attempting to commit that offence and the court is of opinion that it is necessary or desirable to require that person to execute a bond for good behaviour, such court may at the time of passing the sentence on the person, order him to execute a bond with or without sureties for such amount and for such period not exceeding three years as it deems fit.

(2) An order under sub-section (1) may also be made by an appellate Court or by the High Court when exercising its power of revision.

### Comment

Section 140 provides for execution of bond for good behaviour in cases mentioned therein.

**141. Needlessly interfering with means of communication in a train.-** If any passenger or any other person, without reasonable and sufficient cause, makes use of, or interferes with any means provided by a railway administration in a train for communication between passengers and the railway servant in

charge of the train he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, where a passenger without reasonable and sufficient cause, makes use of the alarm chain provided by a railway administration, such punishment shall not be less than –

- (a) a fine of five hundred rupees, in the case of conviction for the first offence; and
- (b) imprisonment for three months in case of conviction for the second or subsequent offence.

### **Comment**

Section 141 provides for punishment for interfering with means of communication in a train.

**142. Penalty for transfer of tickets.-** (1) if any person not being a railway servant or an agent authorised in this behalf -

- (a) sells or attempts to sell any ticket or any half of a return ticket; or
- (b) parts or attempts to part with the possession of a ticket against which reservation of a seat or berth has been made or any half of a return ticket or a season ticket,

in order to enable any other person to travel therewith, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and shall also forfeit the ticket which he sells or attempts to sell or parts of attempts to part.

(3) If any person purchases any ticket referred to in Cl. (a) of sub-section (1) or obtains the possession of any ticket referred to in Cl. (b) or that sub-section from any person other than a railway servant or an agent authorized in this behalf, he shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupees and if the purchaser or holder of any ticket aforesaid travels or attempts to travel therewith, he shall forfeit the ticket which he so purchased or obtained and shall be deemed to be traveling without a proper ticket and shall be liable to be dealt with U/Sec.138:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, the punishment under