

MHGA070009872022



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, AHERI,
DISTRICT-GADCHIROLI**

(Presided over by Amolkumar A. Deshpande)

Regular Criminal Case No. 114/2022

PROSECUTION:

State of Maharashtra
through Police Station Officer,
Police Station, Laheri,
District – Gadchiroli.

- V E R S U S -

ACCUSED:

Raju Soma Bogami,
Age about 35 years, Occup.: Labourer,
Resident of Bablai Nagar, Laheri,
Taluka - Bhamragad,
District Gadchiroli.

Appearance :

Learned A.P.P. Mr. Sudhakar K. Paradhi, for the prosecution.
Learned advocate Mr. Udayprakash S. Galbale for the accused.

Order Below Ex.01
(Passed on 23rd November 2022)

1. The accused is given in custody of The Superintendent of Jail, Chandrapur, since arrest.
2. The accusation against accused is of offence punishable under sections 302, 201, 171 of Indian Penal Code, 1860, under section 3/25, 5/28 the Indian Arms Act and 135 of the Maharashtra Police Act, 1951.

3. Perusal of police papers make it clear that, the offence is prima facie made out. Prosecuted facts and police papers show that the accused armed with weapons killed the brother of the informant *Reshma Doge Kudyami* by shooting him in the night. So, cognizance of the offences punishable 302, 201, 171 of Indian Penal Code, 1860, under section 3/25, 5/28 the Indian Arms Act and 135 of the Maharashtra Police Act, 1951 must be taken and process is required to be issued against the accused, for the said offences.
4. The offences under sections 302 of Indian Penal Code, 1860 is exclusively triable by the Honourable Court of Sessions in view of Schedule I Part-I of Code of Criminal Procedure, 1973. Therefore, this Court must commit the present case in view of section 209 of Code of Criminal Procedure, 1973.
5. For the compliance under section 207 of Code of Criminal Procedure, 1973 necessary directions were given to the PSO of Laheri Police Station to deliver the set of copies of police papers to the accused. The Endorsement of Superintendent of Jail, Chandrapur (Ex.03) shows that the copies of police papers were received by accused on 20.11.2022. Thus, the compliance under section 207 of Code of Criminal Procedure, 1973 is done and now the case can be committed to the Court of Honourable Sessions Judge, Gadchiroli.
6. The record of this case be sent to the Court of Honourable Sessions Judge Gadchiroli along-with documents, if any, which are to be produced in evidence. Similarly, PSO of Laheri Police Station is directed to produce the available muddemal properties in the meanwhile, [or any clarification as to status of the articles] so that those could also be sent to Honourable Court of Sessions, Gadchiroli.
7. The Assistant Superintendent (Finance) of this Court must note and ensure that the sealed envelope containing statements of witnesses (so recorded in view of section 164 of Code of Criminal

Procedure, 1973), **if any**, must be attached to the case record in sealed condition. **Herein fail not.**

8. Notify learned District Government Prosecutor about this committal of this case to the Court of Honourable Sessions Judge, Gadchiroli.
9. The Superintendent of Jail, Chandrapur is directed to produce the accused before the Honourable Court of Sessions, Gadchiroli, as and when directed by it and firstly on 05.12.2022.
10. The Warrant of Commitment is accordingly issued authorising custody of the accused today onwards.
11. Hence, this Order is passed today when the accused was produced by the Jail Administration, Chandrapur through Video Session using *Google Meet* Platform.

Date- 23.11.2022

[Amolkumar A. Deshpande]
Judicial Magistrate First Class, Aheri
[JO Code – MH02091]

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word as per the original Judgment or Order.

Name of the stenographer :- J.A. Gadekar, Grade -III.

Name of the Court :- C.J.J.D. & J.M.F.C. Aheri.