

MHWR030043842026



RCC No. 375/2026

Patrick Akhilesh Yeshpal Vs

Nikhil Samson Sathe

Order below Exhibit No. 1

This is an application filed u/s 175(3) of the BNSS. As per the applicant the non applicant has committed an offence punishable u/s 351(2), 352 of BNSS, 66, 78 and 80 of the Information Technology Act, read with Sec. 3, 4, 11 and 12 of Advocate Protection Bill, 2021. Although, the case is filed u/s 175(3) of BNSS it is registered as R.C.C.

In view of prayer, as per Sec. 175(3) of BNSS, I have heard applicant and perused the record. The applicant has stated that, the non-applicant Nikhil Sathe has given him a criminal intimidation on phone. Thus, he committed offence as alleged above. The offence punishable u/s 351(2), 352 of BNSS are non-cognizable offence therefore, the applicant cannot take recourse of Sec. 175(3) of BNSS. The Sec. 66 is regarding the computer regarding offence. There is no computer related offence mentioned in the application hence, I.T Act is not attracted. So far as the Adv. Protection Bill is concerned the Court cannot act upon it as it is not passed till date. Hence, I do not find any cognizable offence alleged to be committed in present application. Hence the prayer to direct the police to register FIR is liable to be rejected. However, one opportunity to prove the contention by treating the application as a private complaint case can be given to applicant. Hence, following order is passed -

ORDER

1. The prayer for directions to the police to register FIR as per section 175(3) of BNSS is rejected.
2. The Application be treated as a private complaint case and be kept for verification as per section 223 of BNSS.

Date : 12/06/2026.
Wardha.

(**V. K. Puri**)
Judicial Magistrate, First Class,
[Court No.3] Wardha.