

Date: 08.01.2026

Case called out.

Counsel for Accused No.1 and 2 is present.

Accused No.1 and 2 is present and accused NO.1 is identified by his counsel Sri. R.M. Adv. And accused No.2 by Sri. C.K.K. advocate and Court PC of Malkhed Police Station.

Heard before framing charge. It is to be noted that, the charge sheet has been filed for the offence punishable Under Section 379 of IPC and for the offence punishable under section 21 of MMRD Act against accused. It is relevant to note that, in the present case, the FIR has been registered by the Pandurang HC-86 of Malkhed PS against the accused person. But as per section 22 of MMRD Act, the private complaint has to be filed by the authorized persons for the offence punishable under MMRD Act. Whereas, if FIR is registered then court has to take cognizance only for the offence punishable under Indian Penal Code. The said preposition has been held by Hon'ble our Own High Court in the case of **Vivek V/s State of Karnataka reported in ILR 2018 KAR 1497, wherein the Hon'ble High Court held that in order to empower the court to take cognizance of the offence under the MMRD Act and Rules, a private complaint is required to be filed by the competent authority for the offences punishable under the MMRD Act or Rules thereunder. The police cannot file final report**

**U/s.173 of Cr.PC, for the offences under the MMRD Act and KMMC Rules either to the jurisdictional JMFC Court or to the Special Court. However, they can file the report for the offences under the Penal code, 1860 or any other Penal Law for the time being in force before the jurisdictional Magistrate.** Thus, this court cannot frame charges in the present case for the offence under MMRD Act as no private complaint is filed. Hence, there are materials on record to frame charge under section 379 of IPC. Accordingly, the charge under section 379 of IPC is framed and read over to accused No.1 and 2 , they are voluntarily accepted their guilt and inspite of intimation about pleading guilt. The pleading of accused No.1 and 2 is voluntarily, hence same is accepted. Therefore, this court proceeds to pass the following:

**ORDER**

Acting Under Section 241 of Criminal Procedure Code accused No.1 and 2 is convicted for the offence punishable Under section 379 of IPC.

Hence, the accused No.1 and 2 is sentenced to pay fine of **Rs.5,000/-each** for the offence punishable under section 379 of IPC, in default of payment of fine, they shall undergo, simple imprisonment for 2 months.

Office is hereby directed to collect the fine amount of Rs. 10,000/-.

Re-issue NBW against accused No.3.  
R/by 29.01.2026

Sd/-  
Civil Judge & JMFC, Sedam.