

**ORDER ON DISCHARGE APPLICATION FILED U/SEC.239 OF
CR.P.C.**

The accused no.1 to 5 have filed this application U/sec.239 of Cr.P.C. for their discharge from the alleged offences punishable U/Sec.143, 147, 323, 504 and 506 R/w.Sec.149 of IPC.

The accused have contended that the complainant approached the Devadurga police station on 15.11.2019 at about 01.30 PM and lodged the complaint against the accused in Crime No.97/2019 for the offences punishable U/sec.448, 143, 147, 148, 323, 324, 341, 354, 355, 307, 504 and 506 R/w.Sec.149 of IPC. The IO investigated the matter and filed the charge sheet against the accused no.1 to 5 for the offences punishable U/Sec.143, 147, 323, 504 and 506 R/w.Sec.149 of IPC. The court took the cognizance and issued the summons. Further contended that the accused have falsely implicated in this case, the accused no.1 to 5 are nothing to do with the alleged offences. The complaint allegation and statements are contradictory to each other there is no specific allegation against the accused. Only imaginary grounds without any valid proof the IO filed false charge sheet. The accused no.3 suffering with old aged ailments and not able to move from one place to another place without anybody support.

Under such circumstance the allegations made against the accused no.3 is false. The accused no.1, 2, 4 and 5 are residing in Puna for their livelihood. Hence there is no chances for committing the alleged offences. Only to harass the accused no.1, 2, 4 and 5 filed this false case. There is a civil dispute between the accused and complainant only to defame the accused filed this false case. Only with intention to grab the properties of the accused and harass the accused filed this case and the statement of the victims does not disclose of the act of the commission of the accused. Hence with these set of contention prays to discharge the accused.

2. On the other hand learned APP inspite of giving sufficient opportunity did not filed objection. Hence objection taken as not filed.

3. Heard both sides.

4. After going through the material available on record the complainant Honnappa lodged the complaint before the Jalahalli police station for the offence punishable U/Sec.143, 147, 323, 504 and 506 R/w.Sec.149 of IPC. After investigation the IO submitted the charge sheet as per the same the accused have committed the alleged offences. As per the accused the accused no.1, 2, 4 and 5 were residing at Puna as on the date of the alleged incident and the said fact is to be proved by the accused during the trail and all the contentions of the accused taken for

discharge is to be considered only after full pledged trial. Hence this court is of the opinion that accused have not made out sufficient grounds to allow the application. Hence this court proceed to pass the following;

ORDER

Application filed U/Sec.239 of Cr.P.C. by accused no.1 to 5 is hereby rejected.

Senior Civil Judge & JMFC.,
Devadurga.