

Cri. M.A. No. 387/2021
Jeevandhara Suraksha
Rakshak Nagari Sahakari
Patsanstha Marya. Vs.
Sunita Nandu + 1

ORDER BELOW EXH. 1

- 1] This is a private complaint filed against accused Nos. 1 & 2 for the offences punishable under section 504, 506 (2), 452, 499, 500 r/w 34 of IPC.
- 2] Perused complaint, verification statement of complainant and witness namely Anita Garud recorded under section 200 of Cr. P. C.
- 3] Perusal of complaint and verification statement, prima facie it is clear that, there are specific allegations of making defamatory statement against complainant, insulting with intend to provoke the breach of peace and of committing criminal intimidation by giving threats of death. Thus, the requisite ingredients of offence punishable under section 499, 500, 504 & 506 of IPC are prima facie made out and there are sufficient material to proceed against them. So far as offence punishable under section 452 is concerned, it is neither alleged nor came on record that, on date of incident the accused No. 1 & 2 have **entered into the complainant's bank by committing house trespass after having preparation of causing hurt, assault or wrongful restraint to any person.** Therefore, the ingredient of offence under **section 452** of IPC are not made out. It is also significant to note that, the offence of criminal intimidation in case of threat is for death or grievous, prescribed punishment which may extend to 7 years, therefore the present matter is required to be tried as warrant case trial. Hence, I proceed to pass the following order.

ORDER

1. Issue summons against **accused No. 1 & 2** for the offences punishable under **section 499, 500, 504, 506 r/w 34 of Indian Penal Code**, vide 204 of Cr. P. C. returnable on 13.10.2023.
2. The present case be registered as warrant case trial and numbered accordingly.

(A. S. Agrawal)

6th Jt. Judicial Magistrate First Class,
Vadgaon Maval, Pune

Date :- 21/08/2023

CERTIFICATE

I affirm that the contents of this PD.F File Order/Judgment are same,
word to word, as per the original Judgment/Order.

Name of the Stenographer	G. B. Mitha,
Name of the Court	Shri. A. S. Agrawal, 6 th Jt. C.J.J.D. & J.M.F.C., Vadgaon Maval, Pune
Date of Order & Judgment	21/08/2023
Order/Judgment Signed by the P.O. On	21/08/2023
Judgment/Order uploaded on	21/08/2023