

MHBU040008832012



S. T. No.73/2012
State Vrs. Gajanan+1
CNR MHBU04000883-2012

ORDER BELOW EXH.25

(dated 03/02/2023)

1. The application is filed by accused for seeking discharge. It is submitted that the police report is lodged at police station Khamgaon Rural for the offences punishable under sections 364, 302, 201 r/w. 34 of IPC and section 3(2)(5) of SC/SC (Prevention of Atrocities) Act.
2. It is submitted that after going through charge-sheet it does not disclose any evidence against accused sufficient for framing of charge. The total case of prosecution is based on circumstantial evidence. Chain of circumstances also cannot be linked up. DNA report is nil. Extra judicial confession is recorded in police custody. Therefore, as there is no prima facie case against accused person the claim is made to discharge.
3. The Ld. APP has submitted that as per the charge-sheet the role of each accused is explained. Only after trial the merit of evidence can be decided so strongly objected the application.
4. Heard argument at length. Perused the record. Considering the report, statements recorded panchanama and other collected evidence, prima facie it reveals that the sufficient grounds for proceeding against accused persons are in existence and therefore, both accused cannot be discharged. Hence, the application is rejected.

Dt.03/02/2023.

(Smt. P. S. Kale)
Addl. Sessions Judge Khamgaon,
Dist. Buldana.

Certificate

I affirm that the contents of this P.D.F. file judgment are same word for word as per original judgment.

Name of Court : Addl. Sessions Judge, Khamgaon,
Dist.Buldana.
Name of Steno : C N Mahale
Dictated On : 03/02/2023
Checked and signed : 03/02/2023
Uploaded On : 03/02/2023