

Sessions Case No.85/2016
State Vs. Hitesh

Order Below Exh.37.

1.. Perused application and say. Heard both the sides at length. Gone through the police papers and the charge-sheet.

2.. The present application came to be filed for discharge under Section 227 of Cr.P.C. by Mohd. Rafique Mohd Yunus and Mohd. Afjal Mohd.Yunus.

3. First of all, let me reproduce the Section 227 of Cr.P.C. for proper adjudication of the application in hand which reads as under :

*“227. **Discharge**-- If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is no sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.”*

4.. On going through the inquest panchanama, it appears that the death of deceased Dinesh Shankarlal Rai is caused by hanging to the ceiling fan. The P.M. report filed along with charge-sheet shows the cause of death due to hanging and mode of death to be asphyxia. The C.A. report on record shows that there is no poisonous substance present in the viscera. Thus, from the material on record, there is reason to believe that the death is

caused by hanging.

5.. It appears that while drawing the inquest and spot panchanama, suicide note and other documents, one carbon mobile, ball pen and other articles are recovered. The suicide note clearly mentions the names of the present applicants to be the persons who are responsible for the suicide committed by the deceased. As such, from the material on record, it cannot be said at this juncture there is no sufficient ground for proceeding against the accused. Therefore, this is not the fit case to discharge the accused. Hence, I found no substance in the application. Resultantly, I proceed to pass the following order:

Order

- 1) Application stands rejected.
- 2) All the accused are directed to remain present for framing charge under Section 306 of I.P.C.

Date: 19.08.2017.

Sd/-
(R.M.Jadhav)
Assistant Sessions Judge,
Khamgaon.

I affirm that the contents of this PDF file order are correct word to word as per the original order.

Name of Steno: S.T.Bedi.

Name of Court: R.M.Jadhav, Asstt. Sessions Judge, Khamgaon.

Date: 19.8.2017.