



Cri. M.A. No. 130/2023
Samadhan v. Baburao
MHBU180008032023

ORDER BELOW EXHIBIT 1

(Passed on this 1st day of December, 2023)

1. This is a complaint under section 323, 324, 427, 504 and 506 of the Indian Penal Code.
2. Perused the complaint, substance of examination of the complainant and the documents on record.
3. The complainant has alleged that he has a right to way over the cart way flowing from the agricultural land belonging to the complainant. However, it is the case of the complainant that the accused has obstructed his right to way over the said cart way. Moreover, it is also the case of the complainant that on 03-08-2023 the accused had assaulted and abused the complainant. Hence, he lodged report against the accused at Police Station Tamgaon, Sangrampur, Buldhana. However, the police authorities failed to take cognizance of his report. Hence, this complaint.
4. The complainant narrated the incident and attributed specific role to the accused as per his verification statement. The complainant has also supported the present complainant along with N.C.R. No. 442/2023 which indicate dispute between the complainant and the accused. However, there is stark veracity as regards to the proper use of deadly weapon by the accused. Moreover, there is also veracity between the documents and the statement of the complainant as regards to the nature of threats.

Hence, at this juncture it would not be just and proper to directly attach said threats by the accused to cause death of the complainant.

5. Hence, at this juncture based on the verification statement of the complainant and the documents on record there is *prima facie* material against the accused in respect of section 323, 504 and 506 of the Indian Penal Code. Therefore, there are sufficient grounds to proceed against the accused and hence, I pass the following order:

ORDER

1. Issue process against the accused for the offence punishable under section 323, 504 and 506 of the Indian Penal Code *vide* section 204 of the Code of Criminal Procedure.

2. It be registered as Summons Criminal Case.

Date: 01-12-2023

(Uday S. Ivare)
Judicial Magistrate First Class,
Sangrapur, At Buldhana