

MHGA090007522019



**IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS,
CHAMORSHI**

(Presided over by Shri. S.A. Bhaisare)

Regular Criminal Case No. 94/2019

State of Maharashtra,

Through Police Station Chamorshi ... **Prosecution**

-Vs-

Vinaykumar Thamsing Sahu and Others ... **Accused**

Appearances

For the State :- Learned A.P.P. Shri. D. V. Donadkar

For the Applicant/Accused no.4 :- Learned Advocate Shri. P.B. Borawar

ORDER BELOW EXH. 87

(Passed on 20th Day of February, 2026)

The present application has been filed by the accused no. 4 under section 239 of the Criminal Procedure Code, 1973 for discharge from the offence punishable under Section 363, 365, 341, 506 ,325 r/w. Section 34 of Indian Penal Code.

2. Perused the application and reply thereon. Heard both the sides.

3. Learned Advocate Shri P. B. Borawar appearing for the accused no.4 has submitted that the accused no.4 is currently working as an officer

in Bank of India, Branch Sadar Bajar Multhan, Tq.- Badnawar, Dist.- Dhar, State Madhya Pradesh. He was posted at Kanker branch from 21-06-2011 to April- 2013 followed by his deputation at Chipawand Branch in district Kondagaon from May- 2013 till 20-07-2015. From 21-07-2015 till 05-07-2017, he was working as branch head in Kanker Branch. One Atul Maroti Surjagade had taken a loan of Rs. 15,00,000/- from Kanker Branch. The loan account had turned as Non-Performing Assets. Since, Atul could not be traced, on 25-11-2017 the accused no.4 met the victim Maroti, who is the father of Atul, only with intention to determine the location of Atul for regularizing the loan account. The meet was accompanied by the staff members of hospitals of Atul. Maroti had shown some places of his relatives with intention to trace out Atul. As Atul could not be traced, the accused no.4 dropped the victim Maroti at Charama in the house of Ashok Sahu and came back to Kanker.

4. He further submitted that, it is a joint venture of Maroti and his son Atul to take loan and institute false cases in order to avoid re-payment of loan. Atul is facing serious cases in various Courts. The present case is filed to save the son Atul from the clutches of Bank. The accused no.4 was not present at the spot of incident at the relevant time as per the oral report. The MLC report dated 17-12-2017 does not mentioned about the age of injury. So also, the MLC report dated 18-12-2017, the nature of injury is not mentioned and there is contradiction between date of examination and date of performance of x-ray. The report is filed after a delay of two days.

5. He also submitted that Maroti is a Police Patil. Hence, false complaint is registered against accused no.4. Atul is a doctor. He got prepared the MLC reports on false manipulation. No prima facie case is made out against the accused no. 4. The ingredients of alleged offences are not attracted. Hence, the application may kindly allowed and accused no. 4 be discharged from all the offences.

6. As against this, learned A.P.P. for the State submitted that the accused no.4 was present at the spot of incident on 25-11-2017. He alongwith other accused kidnapped the victim Maroti by stopping his vehicle and taking away the key of vehicle Maroti. The accused person caused grievous injury to the victim Maroti. The supplementary statement of victim Maroti highlights the specific role played by accused no.4. The delay in filing report is a reasonable and plausible one. The MLC report clearly states the grievous injury sustained by the victim Maroti. Hence, the application is liable to be rejected and charge may be frame against the accused no. 4.

7. Perused the record. Considered the submissions of both the learned advocates.

8. The accused are arrayed for the offence punishable under section 363, 365, 341, 506 r/w. Section 34 of the Indian Penal Code. It appears that on 27-11-2017 report was lodged by one Keshav Bhandekar stating that he alongwith his friend Maroti Surjagade were coming towards Hivargaon from mouza Kunghada on 25-11-2017. That around 7.15 pm

one black bluish car intercepted them and the accused persons assaulted his friend Maroti and took him in their car and went away towards Gadchiroli. On this basis report was lodged against the unknown persons.

9. That during the course of investigation, it was revealed that the accused no.4 alongwith the accused persons took victim at Charbhata in Chhatisgarh State in the house of one Ashok Sahu. That on 27-11-2017 the victim was taken to one accused Vinay Sahu at Ruchida, District Raigarh, Chhatisgarh State. He was at the house of accused Vinay Sahu for 13 days. They were enquiring about Dr. Atul Surjagade from the victim. That on 10-12-2017, the accused Vinay Sahu took the victim at Raigarh Railway Station and the was boarded on a train. It was revealed that there were some transactions between the accused persons and the son of the victim Atul and therefore for getting the information about his son, the victim was kidnapped by all the accused persons including the accused no.4.

10. Thus there is a prima facie material against the applicant to implicate him in the present offence. The accused no. 4 has actively participated in the present crime. The victim Maroti and other witnesses have specifically taken the name of accused no. 4. It appears that the applicant assaulted the victim Maroti causing fracture on his right hand. The supplementary statement of victim Maroti discloses the role played by the accused no. 4. The witnesses have specifically stated that the accused no.4 and other accused persons brought the victim at the house of Ashok Sahu. The charge against the accused for the offence punishable under section 363, 325, 365, 341, 506 r/w. Section 34 of the Indian Penal Code is

not groundless. There is ground for presuming that the accused no. 4 has committed the aforesaid offences. Prima facie offences are made out against the accused no.4 under section 363, 325, 365, 341, 506 r/w. Section 34 of the Indian Penal Code. In view of above discussion the following order is passed.

ORDER

1. The application Exh. 87 is rejected.
2. Accused no. 4 shall appear before the Court on next date for framing of Charge.

Sd/-

Date : 20.02.2026.
Place : Chamorshi

(S.A. Bhaisare)
Judicial Magistrate First Class
Chamorshi