

Order below Exh.1**Angha Kulkarni****V/S****Tahsildar, Mantha & others**

[Dated - 07-06-2016]

1. This complaint filed for the offences punishable under section 420, 465, 467 & 471 all r/w 34 of the Indian Penal Code. Heard learned advocate for the complainant. He has requested for investigation as per section 156(3) of Cr.P.C. He has relied upon the judgment of Honb'le Supreme Court in the case of **Sakiri Vasu V/s State of Uttar Pradesh & others**. In this Honb'le Supreme Court has observed that,

“ In view of the above mentioned legal position, we are of the view that although Section 156(3) is very briefly worded, there is an implied power in the Magistrate under section 156(3) Cr.P.C. to order registration of a criminal offence and/ or to direct the officer in charge of the concerned police station to hold a proper investigation and take all such necessary steps that may be necessary for ensuring a proper investigation including monitoring the same. Even though these powers have not been expressly mentioned in Section 156(3), we are of the opinion that they are implied in the above provision.”

2. With due respect to the submission of advocate for the applicant, I have gone through the record and proceeding, documents filed on record, it reveals that the allegation made in complaint discloses the commission of cognizable offence. Therefore detailed investigation is required. Hence ratio let down by the Supreme Court in the above cited case is suitable.

3. Hence, I proceed to pass following final order.

ORDER

- (i) Officer-in-charge of concern police station is directed to conduct investigation as per section 156(3) of Cr.P.C. and submit the report.
- (ii) The certified copies of this complaint and photocopies of documents filed on record be sent to the concern police station for investigation as per section 156(3) of Cr.P.C.

Date: 07-06-2016

Sd/-
[S.S. Ingle]
Judicial Magistrate F.C.
Mantha