


MHKO140007492022 	RCC No.157/2022 State of Maharashtra Vs. Tukaram Gundu Pawar
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ORDER BELOW EXHIBIT-14
(Passed on- 15/02/2025)

1. This is an application filed by the accused for discharge under section 239 of the Code of Criminal Procedure.
2. It is contended that, the accused is facing charge under section 452, 323, 504, 506 of the Indian Penal Code. It is submitted that, the contents of report are false and accused is falsely implicated in the crime. The allegations are vague and false. The alleged offence are not made out that the case is false. The accused is facing trial unnecessarily. No offence is made out against the accused, hence the accused is entitled to be discharged.
3. The learned APP for the state filed say and application is strongly opposed. It is submitted that, serious allegations are levelled against the accused. The investigating officer has filed chargesheet after detail investigation. Medical certificate is also filed. Hence accused is not entitled for discharge. Hence prayed to reject the application.
4. I have read the applications, say thereon and perused the record. Heard learned advocate for both side. Following are the points for my determination alongwith my findings and reasons thereon.

Sr. no.	Points	Findings
1	Whether the accused is entitled to be discharge?	No
2	What order?	As per final order

REASONS

As to Point no. 1

5. On perusal of Record it appears that, The present case is instituted on a police report. I have perused the record. As per section 239 it is clear that, if the charge is groundless, then the accused is entitled to be discharged. Now it is to be seen that, whether the charge leveled against the accused in the present case is groundless.
6. I have perused the report lodged by the informant, FIR , police report and documents filed on record. It appears from the record that, informant made allegation against the accused as to causing hurt. After investigation, the investigating officer, has filed final report for the offence punishable under section 452, 323, 504, 506 of the IPC. However, if the charge is groundless then accused is entitled to discharge, but at this stage it would not be proper to go into the merits of the case. On perusal of materials on record it appears that there is specific allegation of causing hurt. At this stage no need to draw any inference about the final result of the case, but considering

the allegations against the accused, I am of the view that, there is sufficient ground to proceed against the accused for the alleged offence. Hence the accused is not entitled to discharge.

Accordingly I answer point no. 1 Negative.

As to point no. 2

To answer point no.2 i pass following order

ORDER

1. The application is rejected.

Chandgad.
Date : 15/02/2025

(W. D. Jadhav)
Judicial Magistrate, F.C.Court
No.2, Chandgad.