

MHKO030030072011



ORDER BELOW EXH.137 IN
R.C.C. No.898/2011.

Shivneri Nagari Sah. Patsanstha.
Vs.
Deepak Patil and other

Heard learned counsel Shri.Kawanekar for accused and learned counsel Shri. Bote for the complainant.

2. Perused the application. This is an application for discharge by accused no.1, 2, 5, 6, 7, 9 and 10.

3. Undisputed fact that process issued is never challenged. Evidence before charge of three witnesses is recorded. Cross examination of all three witnesses is reserved.

4. Merely because accused no.3, 4, 8 and 11 has died, it does not give license to present accused to claim discharge. It is contended that they were the main accused who committed the alleged offence. At this juncture the Court has only to see the complainant/prosecution documents. The Court cannot come to conclusion at this stage whether the case would end in acquittal or conviction. At this stage the Court has only to see whether there is sufficient evidence to frame charge and whether a triable case is made or not. Cursory perusal of the alleged forged, bogus document prepared i.e., mortgage deed in question has photos of all accused. Near their photos an endorsement that they have consented to said transaction is noted. That document is certainly sufficient evidence at this juncture to frame charge against accused. Hence, application for discharge is liable to be rejected. Accordingly I proceed to pass following order :-

ORDER

1. The application for discharge is rejected.
2. Charge against accused is framed for offence under Section 420, 465, 467, 468, 471 and 120-B read with section 34 of the Indian Penal Code.

Date: 02/03/2023.
Kolhapur.

(Shailesh A. Bafna)
Chief Judicial Magistrate,
Kolhapur.