

ORDER BELOW EXHIBIT NO.122

01. Accused have filed present application praying for alteration of charge framed under section 177 and 205 of the Indian Penal Code, 1860, and for framing charge under section 182 and 187 of I.P.C. instead.

02. The prosecution case, in brief, is that accused No.1 namely Umesh, impersonated one Ganesh – who is an accused in pending court proceedings R.C.C. No.181/2018 and falsely stated his name as Ganesh before the court. Based on this impersonation, he appeared in the said proceedings. On noticing this, the predecessor of this court filed a complaint alleging offences punishable under section 170, 177 and 205 of the I.P.C.

03. The contention of the accused is that, the alleged act, if any attracts the provision of section 182 and 187 of I.P.C. and not sections 177 and 205 of I.P.C. The accused, seeks alteration of charge accordingly.

04. I have heard both sides and perused the material on record. Advocate for the accused relied upon the rulings of **Hasanbhai Valibhai Kureshi Vs. State of Gujrat 2004 (3) Mh.L.J.** in this case Hon'ble Supreme Court observed that, if court is satisfied that, alteration or addition of charge is necessary it can act appropriately as exigencies of the case warrant or necessitate.

05. Section 177 of the I.P.C. pertains to furnishing false

information to a public servant. Section 205 of I.P.C. deals with the false impersonation in a judicial proceedings. In the present case, the specific allegation is that, accused intentionally gave false information in a judicial proceedings by personating himself as another accused (Ganesh), thereby misleading the court.

06. The alleged act squarely attracts the ingredients of section 205 of the I.P.C. which clearly states that, impersonation before a court with intent to cause injury or deception amounts to an offence. Similarly, furnishing false information in a proceedings attracts section 177 of the I.P.C.

07. Section 182 and 187 of I.P.C., as suggested by the accused, relate to furnishing false information to a public servant to cause injury to another and omission to assist public servant respectively, which are neither factually or contextually applicable to the allegations in the present case.

08. Therefore, the offences alleged and the evidence prima facie brought on record justify the framing of charge under sections 177 and 205 of I.P.C. No case is made out for alteration of charge to section 182 and 187 of I.P.C. In view of this I proceed to pass following order.

ORDER

The application for alteration of charge is rejected.

Date :12/09/2025.
Place : Ahmedpur.

(R.D. Wabale)
Add. Chief Judicial Magistrate,
Ahmedpur.