



**Order Below Exh. 01 In R.C.C. No. 189/2020**

(Passed on this day of 06<sup>th</sup> of October, 2021 )

State Vrs. Shivkumar & Ors.

CNR NO. MHLA060013192020

**01]** Perused the record of case, it reveals that, case is pending for the appearance of the accused. Meanwhile, this court has been received a copy of Writ on 24/09/2021, in Criminal Application No. 1854 of 2021, in Criminal Application No. 107 of 2021, Shivkumar Vrs. The State and Anr., which has been issued by Hon'ble High Court of Judicature, Appellate Side, Bench at Aurangabad. Wherein, Hon'ble High Court has stated that;

The application is allowed in term of prayer clause 'B' and disposed of.

**02]** It would be better to mention here the prayer clause 'B', which has been communicated by Writ of the Hon'ble High Court.

*B-1) The Criminal application may kindly be allowed Charge-sheet bearing No.13/2020 dtd.19/09/2020 submitted by the respondent No.01 before the learned Court of Judicial Magistrate First Class, Ahmedpur, Dist. Latur for the offence punishable U/Sec. 384, 388 r.w. 34 of the Indian Penal Code may kindly be quashed and set aside.*

**03]** Considering the direction given by the Hon'ble High Court it would be necessary to discharge the name of accused No.01 Shivkumar Babarao Utage from the present case. Hence, I pass the following order :-

**:- ORDER :-**

- 1** The Accused No.01 Shivkumar Babarao Utage is discharge vide Sec. 239 of the Code of Criminal Procedure Code 1973, for the offence punishable u/sec. 384, 388 r.w. 34 of the Indian Penal Code.

- 2 Bail bond and Surety of accused No.01 stand canceled, after appeal period is over.
- 3 Case is proceed further against remaining accused persons accordingly.

(Dictated and pronounced in open Court).

**Place:-**Ahmedpur.

**Date:-**06.10.2021.

**(Shyam S. Tondchire)**  
Judicial Magistrate F.C.,  
(Court No.2), Ahmedpur.