

RCC 14/2022
State Vs. Ram Adsul & others

Order Below Exh.51.

This is an application filed by accused persons for discharge under section 239 of Cr.P.C.

2. Read the application and say given by learned APP. Perused the record. Heard both sides.

3. Upon such hearing and consideration it appears that, accused persons are charge sheeted for commission of offence punishable under section 498(a), 504 read with section 34 of the IPC. It is the contention of the accused that, accused no.1 has filed HMP No.43/2022 in the court of Civil Judge, Senior Division Ambajogai, Dist.Beed. In the said application the present informant has stated that, there was no marital relation between accused no.1 and informant. They were never resided together under one roof as husband and wife. Therefore, no question of cruelty at the hands of present accused arises. Section 498(a) and 506 r.w. 34 of IPC are not attracted in the present matter.

4. On the other hand, the learned APP submitted that from the documents produced along with the chargesheet it reveals that the informant and accused no.1 are husband and wife. The statements recorded under section 161 of Cr.P.C. of witnesses also show that accused subjected the informant to

cruelty for demand of Rs.5,00,000/-. There are photos and marriage certificate produced along with the chargesheet to show marriage between informant and accused no.1. The record shows the material to charge accused persons and if they discharged prejudice will be caused to prosecution.

5. In the said background, I have gone through the report dated 03/12/2021 lodged by informant Sau. Nikita Ram Adsul. It is specially mentioned that, accused in furtherance of common intention subject her to cruelty and demanded Rs.5,00,000/- from her. The role of accused persons specifically mentioned in the first information report as well as report. The contents of report clearly shows that accused have subjected the informant to cruelty and harassed her to meet unlawful demand of Rs.5,00,000/- from her parents.

6. The accused have produced documents along with list at Exh.58. If perused the said documents, it is a copy of say/counter claim given by non-applicant i.e. present informant Nikita in HMP No.43/2022 and issues framed in the said petition. The issue no.3 in the said issues is whether respondent proves that alleged marriage dated 19/06/2021 between the parties is illegal? Therefore, the question as to legality of marriage between accused no.1 and informant is not finally decided.

7. In order to, consider the application under section 239 of Cr.P.C. charge must be groundless. Moreover, as per

the section 240 of Cr.P.C. the Magistrate is of the opinion that there is ground for presuming that the accused has committed an act of offence. Section 239 and 240 of Cr.P.C are complete code in the matter of procedure to be followed for the purpose of discharging accused persons or for framing the charge in any warrant case initiated in police report.

8. The charge is groundless means that no reasonable person can come to the conclusion that there was any ground whatsoever to sustain the charge against accused. The contents of report clearly shows involvement of accused and commission of crime. There are specific grounds of commission of crime against accused. Upon going through the contents of report it appears to presume that accused persons have committed an offence. It is not the case that the charges are groundless. Therefore, in view of aforesaid discussion there is no substance in the application and therefore same is liable to be rejected. Hence, the order.

Order

The application is rejected.

Place : Renapur
Date : 12/05/2026

(P.A.Apte)
Judicial Magistrate, F.C.
Renapur.