

R.C.C.No. 36/2018
State Vs. Moja & Ors.

ORDER BELOW EXH. 58

(Passed on: 21.11.2018)

This is an application under section 239 of the Code of Criminal Procedure filed by the accused persons for discharge. Accused persons are charge sheeted for the offence punishable u/s. 324, 143, 147, 149 504, 506, of the I.P.C.

2. Perused the application, say and record of the case. Heard learned A.P.P. for the State and learned advocate for accused persons.

3. It is alleged that on 18.06.2018, accused persons being a part of member of unlawful assembly. Accused no. 8 caused hurt to the informant Aahalibai Bhika Patle by means of wooden stick and also accused person caused hurt to the informant by fist and blows. Accused persons also used abusive language and threatened to kill the informant.

4. Learned for the accused argued that, informant has lodged the false complaint to take revenge against the accused persons. There is no material to attract offence punishable u/s. 324, 143, 147, 149 504, 506, of the Indian Penal Code. Hence, he prayed to discharge the accused.

5. Learned APP argued that there is sufficient material to frame charge against accused persons. Hence, he prayed to reject the application.

6. On perusal of the record, it appears that the informant

specifically narrated the alleged incident. Further perusal of the statements of witnesses reveals that there are sufficient grounds in charge sheet against accused persons. In such circumstances it cannot be said that the charges against the accused are groundless as contemplated u/s. 239 of the Code of Criminal Procedure. Ground of defence cannot be ground of discharge. The application is liable to be rejected. Hence, I proceed to pass the following order.

ORDER

1. Application Exh. 58 is rejected.

Date: 21.11.2018

(P.H. Joshi)
J.M.F.C. Dhadgaon.