

ORDER BELOW EXH. 01 IN RCC No.43/2022**(Dilip Markante Vs. Gangaram Dronacharya)****(PASSED ON 11-03-2025)**

01. The applicant seeks directions under section 156(3) of The Code of Criminal Procedure for registration of crime for the offence punishable U/sec. 506, 504, 447, 424, 413, 412, 411, 410, 407, 409, 381, 379, 201, 114, 107 r/w 120(b) and 34 of IPC and under section 15 of Protection of Environment Act and under section 21(1)(2) of Mines and Mineral Act, 1957.

Facts giving rise to the present application are:

02. According to the applicant, all the accused persons under the conspiracy committed theft on 31/05/2021 of sand out of banks of river Landy in the night at about 10.00 p.m. to 2.30 a.m. The applicant has complained in respect of the theft committed by all the accused to District Collector, Nanded, Executive Magistrate, Degloor, Deputy Collector, Degloor, Tahsildar, Degloor and Police Inspector, Degloor. In this regard on 03/06/2021 the concerning sand was seized and seizure panchnama was prepared and the concerning sand was handed over in the custody of Police Patil Namely Anandrao Vithalrao Patil. All the accused persons under the conspiracy with each other committed theft of concerning sand on 31/07/2021 at about 01.30 p.m. in collusion with each other. However, the investigating agency failed to proceed further against the accused. The applicant has complained about the theft

to various authorities but non has taken his cognizance. Hence, this application.

03. Perusal of complaint reveals that there are allegations of theft committed under conspiracy of sand. Perusing the documents on record it appears that the applicant has approached to various authorities to registered the crime against the accused persons. But no authority has taken the cognizance of his allegations nor took action against the accused persons. However, in the light of the facts and circumstances of the present application and perusing the relevant documents on record, it is my considered view that there is no need to invoke section 156(3) of Cr.PC for issuing direction to register FIR against the proposed accused as:

- i. The identity of alleged accused persons is ascertained;
- ii. No facts are needed to be unearthed as the same are well within the knowledge of the applicant;
- iii. Custodial interrogation of alleged accused persons is not necessary;
- iv. The evidence is well within the reach of applicant & no assistance of police is required to gather the same.
- v. The facts of the case is not such that would warrant a detailed and complex investigations to be carried out by the State Agency.

04. Hence, there is no need for investigation by the Police u/s 156 (3) Cr.PC in this case. However, the cognizance of the complaint could be taken as the private complaint. The applicant is at liberty to lead per-summoning evidence under Section 200 of the Cr.PC. In case any requirement of investigation arises at later stage qua some disputed facts the provision of Section 202 of Cr.PC could be resorted to. In view of the aforesaid discussion, following order is passed:

ORDER

1. The application under section 156(3) of The Code of Criminal Procedure is rejected.
2. The private complaint is already registered as RCC. Therefore, no order in that regard.
3. The application be treated as private complaint.
4. Put up for verification.

Date- 11.03.2025

Place: Degloor

(Raghavendra N. Dev)
Judicial Magistrate F. C.,
Degloor, Dist. Nanded.

CERTIFICATE

I affirm that the contents of this P.D.F. File Order are same word to word, as per the original order.

Name of the Stenographer	: A.K. Mohammad
Name of court	:Shri. Raghavendra N. Dev, JMFC Court,Degloor, Dist.Nanded
Date	: 11.03.2025
Order signed by the Presiding Officer	: 11.03.2025
Order uploaded on	: 11.03.2025