

MHNG100010682024



ORDER BELOW EXH 10 IN SCC.No.570 of 2024

(Dated-23/12/2025)

This is an application filed by accused to discharge him from the offence punishable U/s.500 and 509 of Indian Penal Code.

2) It is allege that the accused had posted a video clip in the whatsapp group title 'Hindustani' at about 6.00 pm which was issued long back by Shri. Subrahmanyam Swami thereunder about the Soniya Gabndhi which was found defamatory by the complainant Shri. Pravin Kashinath Bokade to claim himself to be the Secretary of Congress Committee of Umred City. But, nowhere with complaint, any authorization gave to him by this said political party is produced and thus it is crystal clear that the complainant is lodge with the foul intention to get publicity and the appreciation of the people interested and to gain undue provide there from.

3) As per the provision 320(1) mandate that the offence U/s. 500 of Indian Penal Code is compoundable only by the person defame. As per the Section 509 it is crystal clear that the basic ingredients of the said offence which uttering any words, making any sound or gesture, or expecting any object thereby, intending that such words, sound shall be heard, or that such gesture or object shall be seen by such women, or shall introduce open privacy

of such women, then only the said offence shall be constituted. Hence, there is no *prima-facie* case or even the material to indicate any overt act on the part of this accused. Hence, prayed to discharge this accused.

4) On the other hand, learned APP filed his say and contended that the accused had intentionally and deliberately posted the video clip for the defame and thereby, the accused has committed an offence as mentioned in FIR. Hence, prayed to reject the application.

5) Read the application, say and heard both side at length.

6) After going through the FIR it appears that this case has been registered as a summary case bearing SCC. No. 570/2024. I gone through the provision Chapter-XX trial of summons case by magistrate. I gone through Section 151 to 159 of this Chapter. The learned advocate for the accused submitted that as the *prima-facie* case is not made out against the accused. Hence, he may be discharged from these offences. Technically word discharge is obtained used in warrant case. In summary case or summons cases the process is likely different. In summary/summons trial there is usual no clearly stage for discharge application. Instead, the magistrate either acquitted the person or stop the proceeding. Therefore, in view of above discussion this application is not tenable in summary/summons trial cases and therefore, I pass following order.

ORDER

1] Application below Exh.10 is rejected.

Date – 23.12.2025

(R.S. Mankar)
2nd CJJD & JMFC, Umred.
Umred.

CERTIFICATE

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

Name of the Stenographer :S.B.Ghardinkar, Stenographer(G-III)

Name of the Court : 2nd Jt. C.J.J.D. & J.M.F.C.,Umred.

Date of Order : 23.12.2024

Original copy of order signed by

the presiding officer on : 23.12.2024

PDF copy of order

uploaded on : 24.12.2024