

ORDER PASSED BELOW EXH.1 IN R. C. C NO. 5/2015.
(C.N.R. No.MHOS09-000096-2015).

1. Heard Ld. Advocate for the complainant & accused on framing of charge against the accused. It is settled principle of law that while considering scope of Sec.245 of Cr.P.C., trial court shall not go into meticulous consideration of material produced. It has to see whether a prima facie case has been made out or ground exist to connect the accused to the alleged offence.
2. Perused evidence of the complainant Santosh Lomate(C.W.3) and Ramesh Kande(C.W.2) and documents on record. The complainant has made out prima facie case against the accused No.1 & 2 in respect of Sec.427, 435, 506 of the Indian Penal Code. Santosh Lomate (C.W.3) who is eye witness of the incident has not specifically stated that at the time of incident accused No.3 to 5 were present on the spot. Therefore, the complainant has failed to made out prima facie case against accused No.3 to 5. There is no ground for framing charge against accused No.3 to 5 on record. Therefore, accused No. 3 to 5 required to be discharged for the offences punishable u/s.427, 435, 504, 506 r.w. 34 of the I.P.C. Hence, I proceed to pass the following order.

ORDER

1. Accused Nos. 3 to 5 are discharged for offences punishable u/s. 427, 435, 504, 506 r.w. 34 of the I.P.C. vide Sec.245 of Cr.P.C. & their bail bonds stand cancelled.

2. The complainant has made out grounds for framing charge against accused Nos. 1 & 2 for offences u/s. 427, 435, & 506 r.w. 34 of the I.P.C.

Kallam.

Date- 27/ 09 /2018.

Sd/--

(M.B.Kudte),

Judicial Magistrate First Class,
(Court No.3), Kallam.