

MHOS130002692017



S.C.C.No.34/2017
Gokul/Raju

Order Below Exh.1

Present complaint is filed u/s 2(D) of Code of Criminal Procedure for the offence p/u/s. 166 of I.P.C. Complainant submitted that he was public servant and retired on 30.06.2016. Accused also a public servant as Block Development Officer at Bhoom. The allegation made over the accused as there was no any audit held of the Grampanchayat in which complainant was working. Then also accused issued show cause notice. Present complainant also replied to the notice to accused. Accused without the consent of complainant and prior intimation of complainant deducted the Rs.10,000/- from his pension account by imposing penalty of Rs.25,000/-. Complainant asked for sanctioned which is mandatory to prosecute public servant which is at Exh.7. But, even on service of notice concerned authority has not replied to complainant about sanctioned. Therefore, it is deemed sanctioned as per the provisions of Maharashtra Amendment Act to Section 190 of Cr.P.C.

2. Learned advocate for complainant Shri.R.A.Gulve submitted that accused has committed an offence u/s 166 of I.P.C. Verification of complainant and statement of witnesses frima-facie case is made out against accused. Therefore, process may kindly be issued.

3. I have gone through the record of case. It appeared that complainant complied the proceeding as to obtaining sanctioned as per the mandatory provision Section 190 Code of Criminal Procedure Maharashtra Amendment Act 2015 as per Exh.7. From the verification of complainant and statement of witnesses no.2 to 4 prima-facie offence is made out against accused u/s 166 of I.P.C. Hence, I proceed to pass following order-

O R D E R

Issue process against accused for the offence p/u/s
166 of I.P.C. on P.F.

Date : 14.08.2019

Sd/-
(K. K. Khomane)
Judicial Magistrate First Class, Bhoom.