

MHPA15000671-2023



Cri.M.A. No. 124/2023

Rameshwar Mutkule

Vs

Narayan Mutkule & Ors.

ORDER BELOW EXH.01

01. Present application has been filed by applicant Rameshwar s/o Shripati Mutkule against the non-applicants for the offence punishable under Section 323, 504, 506(2), 294 read with Section 34 of the Indian Penal Code. On perusal of the complaint it reveal that, the alleged incident occurred on 24.05.2023, at about 02:30 pm. At that time, accused Nos. 1 to 8 came to complainant's field and told him that, he will withdraw the complaint lodged against accused persons. Accused persons also intentionally insulted to the informant by hurling abuse & accused threatened to kill him. Then after the complainant came to P.S. Charthana lodged N.C. No.79/2023 against the accused persons.

02. Perused the verification and the documents on record. It appears that, the applicant stated that, the alleged incident occurred on 24.05.2023 at 2:30 pm in his field at Kuda Tq. Sailu Dist. Parbhani. At that time, accused came their and they throw stones of common embankment in complainant's field. The complainant requested to them to stops this activity but accused denied the same and threatened to kill him. From the verification it reveals that, the ingredients of offence punishable under Section 506(2) r.w. 34 of IPC are attracted. However, the ingredients of Section 323, 504, 294 r.w. 34 of IPC is not attracted.

It is settled law that, while issuance of process only the verification has to be taken into consideration. In the light of above discussion, I proceed to pass following order.

ORDER.

- 01.** Issue process against the accused persons for the offence punishable under Section 506(2) r.w. Section 34 of the Indian Penal Code.
- 02.** The complaint is dismissed in respect of offence punishable under Section 323, 504, 294 read with Section 34 of IPC
- 03.** The matter re-register as a Regular Criminal Case.

Date : 14.08.2025

(G.A. Taral)
Judicial Magistrate First Class,
Sailu, Dist.Parbhani.