



SPECIAL CASE No.211/2022
CNR No.MHPU01-004682-2022
State of Maharashtra
Through Hinjwadi Police Station
Vs.
Sumegh Sunil Joshi and Ors.

ORDER BELOW EXH.11

The applicant/accused No.2 Sakshi Sumegh Joshi seek her discharge under Section 227 of Criminal Procedure Code (for short Cr.P.C.) from the indictment in C.R. No.821/2021 registered with the Hinjwadi Police Station for the offence punishable under Sections 406, 420 of the Indian Penal Code, 1860 (for short I.P.C.) and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short MPID Act).

2. The prosecution allegation reveals that the informant got acquainted with the husband of the applicant and later advocated the scheme of investment in share trading with the assurance of lucrative returns. Accordingly, the informant and other investors invested the amount from time to time by cash, online, credit card etc. in the account of the applicant and her husband. However, they did not return the amount as assured. Eventually, the informant was constrained to lodge the report and afore crime came to be registered.

3. On appearance of the accused No.2 before this Court, she filed discharge application on precinct that no offence is made out against her. There is no allegation of propagating the scheme or

luring the investors. Even, there is no money trail in her account and the alleged transfer of Rs.1100/- in her account is towards purchase of cake from the complainant. She is residing separately from accused No.1.

4. The learned A.P.P. filed say vide Exh.20 and resisted the application inter-alia contented that the applicant being wife of accused No.1 is the director of Meta Trader 5 and they being spouse have cheated the investors. They systematically lured investors for there illegal enrichment.

5. Heard both sides and perused the case record.

6. The grounds on which the argument is advanced for discharge of accused No.2 is that there is no material in the charge-sheet indicating complicity of the accused No.2. F.I.R. coupled with the statements of the witnesses indicates her relation with the accused No.1 as her husband. There is no tinge that the applicant has promised the investors and received the amount. It is urged that nature of dispute being civil and thus, the criminal prosecution is not an apt remedy. Thus, the charge-sheet is groundless and it is requested to discharge the accused No.2.

7. Above submission is encountered by the learned prosecutor on the precinct that accused No.2 along with accused No.1 duly engaged in advocating the scheme to the informant and witnesses as a director of Meta Trader 5, received huge amount and duped the investors. The F.I.R and statements of witnesses duly demonstrate how accused No.2 has advocated the scheme. According to him, prima-facie charge-sheet demonstrated

involvement of the accused No.2 as a culprit in the economic crime and the charge-sheet is not groundless.

8. On going through the charge-sheet, it indicates that accused No.2 and her husband advocated the scheme to the witnesses as a director of Meta Trader 5, a share broker company and lured the investors in their net on false promise of lucrative returns. The material on record further indicates that accused No.2 being wife of accused No.1 has actively participated in the alleged crime. The statement of witness namely Pravin Mhaske duly demonstrates the role of applicant. Even, the account statement of the applicant duly suggests receipt of amount from the informant. Though it is urged that it is towards purchase of cake, however, it is a matter of defence for which they have to mount the witness box.

9. The ground raised by the accused No.2 is matter of evidence. An elaborate inquiry is not possible at this stage and it is trite that no heir splitting inquiry is permitted at this stage. The anguish expressed by the prosecution and the defence of accused No.2 is to be tested during the course of evidence. It can not be said that there is no material against the accused No.2. Instead, this is a fit case where the charge is to be framed against accused No.2 and there is no reason to invoke Section 227 of the Code blindly holding that the charge is the groundless.

10. The purpose of framing of charge is not supposed to shift the grain from chaff. The Court has to be acted on prima-facie material on record. Thus, considering the scope of discharge

application within limited province, no case is made out for discharge. The application lacks merit and it is turn down. Ergo, the following order :

ORDER

Application (Exh.11) is rejected.

(Dictated and pronounced in Open Court.)

Pune.

Date : 20/02/2026

(B. V. Wagh)

Additional Sessions Judge, Pune

CERTIFICATE

I affirms that the contents of this PD.F. file Order are same word for word as per original Order.

Court Name : B. V. Wagh,
District Judge – 1 and
Addl. Sessions Judge, Pune.

Name of Steno : Abhishek Arun Gite
(Stenographer Grade - I)

Date of Order : 20/02/2026

Order signed by : 21/02/2026
Presiding Officer on

Order PDF and : 21/02/2026
Uploaded on