



**COMMITTAL ORDER**  
**(Passed on 07/03/2026)**

1 The accused are present before the court. The Police Station Officer, P.S. **Vishrantwadi** has charge-sheeted the accused of the offences punishable under sections 353, 332, 323, 427, 504 and 506 read with Section 34 of Indian Penal Code.

2 Recently Indian Penal Code and Code of criminal procedure (Maharashtra Amendment Act 2017) published in the Maharashtra Gazette on 7<sup>th</sup> June 2018 as per amendment to sections 353 and 332 of I.P.C. offence punishable under sections 353 and 332 of I.P.C. are triable by the court of sessions. It is settled position of law that the magistrate has to commit a case to the session court if the offence is exclusively triable by the court of sessions.

3 In view of the ratio laid down in the case of **SECURITIES AND EXCHANGE BOARD OF INDIA V. CREDIT LTD. IN CRIMINAL APPEAL NO. 67/2011 DATE OF JUDGMENT 21-08-2018**, the trial of offences under Indian penal code, consequent upon the Amendment Act would stand jurisdictionally transferred for the trial to the Court of Session, irrespective of facts whether the offences under Sections 332 and 353 was committed before the date Amendment Act became operational and whether trial had or had not been initiated.

4 It is pertinent to note that, in a case of **RAMESH KUMAR SONI V. STATE OF MADHYA PRADESH, REPORTED IN AIR 2013 SC 1896** the Hon'ble Lordship observed that if no charge-sheet has been filed before magistrate as on date amendment of provision came into force then case shall exclusively triable by Session Court as per amended provision of law.

5 The **Hon'ble Bombay High Court Bench at Nagpur in the case of Shamrao Vithoba Pillare vs State of Maharashtra Criminal Application (APL) No.1146/2018** has dismissed the application filed by the accused u/sec 482 of Cr.PC wherein he has challenged the committal order passed by Chief Judicial Magistrate after the amendment of section 353 of I.P.C.

6 In view of Section 5 of Maharashtra General Clauses Act, it is clear that, the Indian penal code and the Code of Criminal Procedure (Maharashtra Amendment) act, 2017 had come into force on 7<sup>th</sup> June 2018 i.e. date of first publication in Maharashtra Government Gazette after having received assent of the President. So, in view of the amendment and keeping in mind the law laid down in the aforesaid judicial pronouncements, it would be just and proper to invoke power vested to this court to commit the case to the court of the sessions as alleged offences punishable under Sections 353 and 332 of I.P.C. are exclusively triable by the Court of Sessions.

7 The copies of the police report and other document have been supplied to accused as per provisions of Sec. 207 of Cr.P.C. The provisions of free legal aid available to the accused came to explain to them. They stated that they have made their own arrangement for their defence before the court of Sessions by engaging a lawyer. The case will have to be committed to the court of Sessions. Hence, I proceed to pass the following order.

### ORDER

1. The case is committed to the Hon'ble Sessions Court, Pune.
2. The accused are on Bail therefore, they are hereby directed to appear before the Court of Sessions, Pune on **04/04/2026**.
3. The record of the case, the document and articles which are to be produced in evidence shall be send to the Hon'ble Sessions Court, Pune.
4. The Police Station officer, Police Station, Vishrantwadi is directed to produce Muddemal Property if any in the Hon'ble court of Sessions on or before **04/04/2026**.
5. Public Prosecutor shall notify commitment of the case to the Court of Sessions, Pune.

Date : 07/03/2026

(Maimuna Sultana M.)  
Judicial Magistrate First Class,  
Khadki, Pune.

(Note- Notice of commitment by the Magistrate to the Public Prosecutor shall be given vide Form No 31, Schedule II of Cr.P.C.)

प्रमाणपत्र

मी अशी खात्री देते की, सदर पी.डी.एफ. फाईलमधील मजकूर मूळ आदेश/  
न्यायनिर्णयाप्रमाणे प्रत्येक शब्द बरोबर आहेत.

लघुलेखकाचे नाव	-	योगेश के. कोटस्थाने
न्यायालयाचे नाव	-	मैमुना सुल्ताना एम. न्यायदंडाधिकारी प्रथमवर्ग, खडकी, पुणे
आदेश/न्यायनिर्णय जाहीर केलेची दिनांक	-	०७/०३/२०२६
पिठासीन अधिकारी यांनी सही केलेली दिनांक	-	०७/०३/२०२६
आदेश/न्यायनिर्णय अपलोड केल्याची तारीख	-	०७/०३/२०२६