

**Reg. Criminal Case No.22 of 2019**

**[ CNR NO. MHPU130001512019 ]**

**State of Maharashtra**

**Versus**

**Vijay Murlidhar Gangapurkar**

**Order Below Exh.1.**

**( Date : 06.08.2026 )**

Upon perusal of the charge-sheet, the First Information Report, the statements of the witnesses and the other material forming part of the record, it appears that the accused has been charged for an offence punishable under Section 406 read with Section 34 of the Indian Penal Code. However, a careful consideration of the allegations contained in the FIR and the statements accompanying the charge-sheet prima facie indicates that the accused, while acting in the capacity of a public servant and in the discharge of his official duties, is alleged to have been entrusted with public funds and to have dishonestly misappropriated an amount of Rs.3,793/-. The allegations, therefore, prima facie disclose the necessary ingredients of an offence punishable under Section 409 read with Section 34 of the Indian Penal Code, which relates to criminal breach of trust by a public servant. At this stage, the Court is not required to undertake a meticulous appreciation of the evidence or to record a finding as to the guilt of the accused. The material on record is required to be considered only for the purpose of determining whether a prima facie case is made out for framing an appropriate charge.

**2.** Section 216(1) of the Code of Criminal Procedure, 1973 empowers the Court to alter or add to any charge at any

time before judgment is pronounced. In view of the allegations emerging from the FIR and the accompanying material, and having regard to the capacity in which the accused is alleged to have acted, it is necessary, in the interest of justice, to alter/add the charge so as to include the offence punishable under Section 409 of the Indian Penal Code. Accordingly, the following order is passed :

### **ORDER**

- i. The charge framed against the accused under Section 406 read with Section 34 of the Indian Penal Code is hereby altered/modified to include the offence punishable under Section 409 read with Section 34 of the Indian Penal Code, as warranted by the material on record.
- ii. The amended charge shall be duly framed and explained to the accused in accordance with law.
- iii. In view of the alteration/addition of the charge, the prosecution as well as the accused shall be at liberty to recall, examine or re-examine any witness, or to adduce any further evidence, if so advised, in accordance with Section 217 of the Code of Criminal Procedure, 1973.
- iv. The matter be proceeded with further in accordance with law.

**[ Satish G. Shinde ]**

Place : Saswad.  
Date : 06/08/2026.

Judicial Magistrate First Class,  
(Court No.2), Saswad.