

**ORDER BELOW EXHIBIT NO. 23**

This application is filed by accused. It is submitted by the accused that informant has deposed in his Chief-in-Examination that first of all he has filed complaint before Superintendent of Police, Pune and thereafter, he has lodged report before Indapur Police. Therefore, complaint/application filed before Superintendent of Police, Pune shall be treated as F.I.R. and the report lodged before Indapur Police shall be treated as supplementary statement under Section 162 of the Code of Criminal Procedure. And therefore, F.I.R. can not be exhibited. Hence, this application.

2. The learned APP for the State filed her say on overleaf of an application and opposed contentions of application. It is submitted that F.I.R. is registered in single. As F.I.R. is registered on application, it needs to be exhibited. Hence, prayed for rejection of application.

3. I have heard learned advocate for accused and APP for the State. I have also gone through the cited case law.

4. The learned advocate for the accused has filed following case law to support his contentions.

Mauricio D' Mello S/o Michael D' Mello Vs State of Goa [2009 ALL MR (Cri) 1430] The Honourable Bombay High Court observed that it is always not necessary that F.I.R. must contain all minute details of occurrence. On perusal of cited case law it appears that the facts and circumstances are different one. In cited case law it is nowhere discussed that which can be treated as F.I.R. i.e., an application or report lodged before police. Hence, not helpful to the accused.



5. As per Section 154 of the Code of Criminal Procedure every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in it, and the substance there of shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

6. In the present case, though it is deposed by the informant that he has filed complaint/application (तक्रारी अर्ज) before Superintendent of Police, Pune and thereafter, lodged report before Indapur Police the mandate of Section 154 of the Code of Criminal Procedure is followed by Indapur police only. Though there is no any prescribed format of F.I.R, the earlier complaint before Superintendent of Police, Pune is just an application (तक्रारी अर्ज). Therefore, I come to the conclusion that the report lodged before Indapur police is F.I.R. and so also, can be exhibited. Hence, this application is liable to be rejected. In the result, I pass following order.

ORDER

1. Application (Exhibit No. 23) is rejected.
2. No order as to costs.

Place : Indapur
Date : 08/11/2024

(J. N. Bhasme)
Judicial Magistrate First Class,
Indapur.

**C E R T I F I C A T E**

I affirm that the contents of this P. D. f. file judgment/order are same, word to word, as per the original judgment/order.

Name of the Stenographer	P D. Dudhbhate, Steno Grade. III
Name of the Court	Smt. J. N. Bhasme. Judicial Magistrate First Class, Indapur
Date of order/Judgment	08/11/2024
Judgment signed by the P.O on	08/11/2024
Judgment uploaded on	11/11/2024