

***Cri. M. A. No. 36-2020
Sachin vs. Asha & anr.***

ORDER BELOW EXH.1

[Passed on 28-10-2021]

This is a complaint case instituted otherwise than on police report. Read the complaint and verification of the complainant. Heard Ld. Advocate for complainant who is present today. The complainant has alleged offences punishable u/s. 326, 324, 323, 504, 506 r/w. Section 34 of the Indian Penal Code, 1860 against the accused persons.

2. On last date I have made query about the age of accused no.2 Omkar Sachin Deshmukh and accordingly the complainant was directed to file proof as to his date of birth. The complainant has filed school leaving certificate of the accused no.2 vide Exh.11, wherein the date of birth of accused no.2 is mentioned as 28/06/2003.

3. The date of offence as per contents of complaint in para no.4 is 06/08/2019.

4. The above position shows that, on the date of offence the accused no.2 was aged about 16 years, 01 months and 09 days.

5. Hence, the complaint cannot proceed against accused no.2 as he was minor/juvenile at the time of incident.

6. Now, so far as the complaint the accused no.1 is concerned, admittedly they are husband and wife. There is some marital discord between them. Thus, without there being any proper inquiry, the complaint can not be proceeded further.

Hence, the order;

ORDER

- (a) The complaint be sent to concerned police station for inquiry u/s. 202 of the Code of Criminal Procedure.
- (b) The complainant shall provide the copy of the complaint, where the name of accused no.2 is deleted and shall also provide necessary documents for sending the same to the concerned police station for the purpose of above referred inquiry.

This oral order is dictated and pronounced in the open court.

Dt.28-10-2021

(Devendra B. Patange.)
Judicial Magistrate First Class,
Court No.2,Khed-Rajgurunagar.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order are same word for word as per original Judgment/order.

Name of Stenographer	Shri. D. V. Sawane
Court Name	Shri. Devendra B. Patange 2 nd Jt. C.J.J.D. & J.M.F.C. Khed-Rajgurunagar, Dist. Pune.
Date of Judgment/order	28-10-2021
Judgment/order signed by Presiding Officer on	28-10-2021
Judgment/order uploaded on	28-10-2021