

Cri. M. A. 62 / 2025
Mangal Gulab Wagh
V/s
Yogendra A. Wagh and Ors.

ORDER BELOW EXHIBIT 01

Perused the complaint and verification of the complainant. Heard the learned advocate for the complainant.

2. As per proviso of sub-section (1) of section 223 BNSS before taking cognizance notice has to be issued to the proposed accused in order to afford them an opportunity of being heard, as to why cognizance should not be taken.

3. In the case of **Basangouda R. Patil VS Shivananda S. Patil 2024 SCC Online Kar 96** Hon'ble Karnataka High Court held that,

“ The magistrate has to, in terms of the proviso of sub-section (1) of section 223 BNSS, issue a notice to the proposed accused who is given an opportunity of being heard. Therefore, notice shall be issued to the proposed accused at that stage and after hearing the accused, take cognizance and regulate its procedure.”

4. In view of aforesaid discussion. I pass following order.

ORDER

- 1) Issue notice to the proposed accused returnable on **26/09/2025**.

Date : 07/08/2025
Place : Ghodegaon

Sd/-
(Sneha Sunil Pulujkar)
Judicial Magistrate First Class,
Ghodegaon, Dist. Pune.