ORDER BELOW EXH.1

(Passed on this 9th March, 2026)

Heard Ld. A.P.P. on the point of framing charges against the accused. The accused no. 1 is produced on V.C. The accused no. 2 and 3 are present. The Ld. A.P.P. submitted that there is specific overt act attributed to accused no. 1 Latif Pathan in the FIR. He was seen by the informant holding an iron rod standing next to the dead body of the deceased Nikat. Accused no. 3 Peer Mohammad was standing next to the accused no. 1. Accused no. 2 Noor Pathan had tried to catch hold the informant while he was proceeding towards the room of the deceased Nikat. The statement of the child witness Akdus Shaikh shows the presence and involvement of all the three accused. There are statements of neighboring witnesses who have seen the accused run away from the spot. Hence, there is ample direct material against the accused to frame charges.

2] Ld. Adv. Shri. Abhinav Nalawade alongwith Adv. Shri. Rohit Rahing submitted that accused no. 1 suffers from insanity and hence he has not committed any offence. He further submitted that accused no. 2 and 3 have not been attributed with any overt act. He further submitted that accused no. 2 and 3 were only present at the spot as they also stay in the neighboring house. He submitted that there is no material to frame charges against the accused and hence, no charge can be framed against them.

3] I have considered the record. The FIR specifically names all the three accused, their presence and there are specific allegations against them. The statement of child witness specifically shows the

involvement of all the three accused. The statement of neighbours also show that all the three accused were seen by them running away from the spot after the incident. So far as, plea of insanity of accused no. 1 is concerned, the same is one of the defence available to the accused which cannot be considered at this stage. There is no medical document supporting the plea of insanity. The same would also be subject matter of evidence in trial. Hence, there are sufficient grounds for presuming that the accused have committed the offences alleged against them. Hence, the following order-

ORDER

Charge be framed against accused no. 1 to 3 for the offences punishable under section 302, 452 read with section 34 of the Indian Penal Code.

Junnar, Pune
Dt. : 09/03/2026

(S. B. Shelar)
Additional Sessions Judge, Junnar
Tal. Junnar, Dist. Pune.