

MHRG030000852020



R.C.C. No. 82/2020

*(The State through Uran police station Vs.
Sunil Janardan Pednekar and Ors.)*

CNR No. MHRG030000852020

:: ORDER BELOW EXH. 134 ::

Perused application and reply given by the accused.
Heard learned A.P.P. and the advocate of the accused.

02. The present application is filed to frame additional charges for the offences punishable under sections 294 and 509 of the Indian Penal Code ('the IPC' in short) vide section 216 of the Code of Criminal Procedure ('the Code' in short). The learned A.P.P. submitted that in report and evidence given by the informant as well as the witnesses, sufficient abusive words are narrated by them in regard to Nutan Kashinath Gharat which attract offences punishable under sections 294 and 506 of the IPC.

03. The accused strongly objected it and submitted that the application is submitted at belated stage and there are no ingredients came on record to attract the said offences. He prayed to reject the application.

04. A Court is empowered to alter or add any charge at any time before pronouncement of judgment vide section 216(1)

of the Code. Therefore, the objection of the accused in regard to filing application at belated stage, does not survive.

05. In report Exh. 53 as well as in evidence of PW-1 Kashinath Gharat Exh. 52, PW-2 Mayur Gharat Exh. 58 and PW-3 Nutan Gharat Exh. 132, deposed that accused Mahesh Baldi uttered words in public place as, "रांड, रखेल" in hearing of PW-3 Nutan Gharat. PW-4 Sandip Jadhav Exh. 133 also deposed that accused Mahesh Baldi abused parent of Mayur Gharat. Kashinath Gharat and Nutan Gharat are parent of Mayur Gharat. It is also deposed by them that apart from Mahesh Baldi, there were other accused who were committing the offence along with him.

06. There is sufficient material and also evidence to attract the ingredients of the offences punishable under sections 294 and 509 of the IPC. In view of this, it is necessary to add charges for the offences punishable under sections 294 and 509 of the IPC. Hence, I pass the following order.

:: ORDER ::

01. The application is allowed.
02. Proceed to frame additional charges for the offences punishable under sections 294 and 509 r/w section 34 of the Indian Penal Code vide section 216(1) of the Code of Criminal Procedure.

Alibag.
Date : 06/05/2023.

(S.W. Ugale)
Chief Judicial Magistrate,
Raigad Alibag