



Order passed below Exh. 53
in Regular Criminal Case No. 113 of 2018

1. This is an application u/sec.239 of Criminal Procedure Code for discharge of accused no.8 Shrikant Bhupal Dalavi. Perused application and say of Ld. APP. Heard both the side.
2. The learned Advocate for the accused no.8 submitted that, the present accused no.8 is falsely implicated in this case and there is no iota of evidence against him. There is no direct or indirect evidence on record to connect him with the present case. The offence mentioned in the charge-sheet is not attracted as far as accused no.8 is concerned. He further submitted that, the accused no.8 has not committed any offence and he has been dragged in the said case unnecessarily. Hence, he filed the present application for discharging him from the present offence under Section 239 of Code of Criminal Procedure.
3. On the other hand the learned A.P.P on behalf of the State submitted that, the accused no.8 involved in the crime. There is prima facie case to frame charge against accused no.8. Hence, prayed for rejection of the application.
4. Now the question arises before court that, the material placed on record is sufficient or not to frame the charge against accused no.8 ? This is not the stage to comment on the evidence or the substance on record. This court has to see whether there is prima

facie material on record to proceed against the accused no.8 or not. The offence alleged to have committed is punishable U/s. 380, 411 U/sec. rw. 34 of Indian Penal code. Considering the police report and documents with it and after making examination of the material on record, this court considered that, the charge against the accused no.8 is not groundless. The role of accused no.8 was disclosed during the interrogation. Therefore, the application devoid of merit deserves to reject. Therefore, there is no proper ground to allow the application. Hence, this Court proceed to pass following order.

ORDER

Application at Exh. 53 is rejected.

Place : Khalapur.
Date : 29/02/2024.

(L. K. Sapkal)
Judicial Magistrate First Class,
Court No.3, Khalapur.