

**ORDER BELOW EXH.36 IN R.C.C.NO.24/2019.**

(Passed on 06/03/2021)

(CNR NO.MHRG160001772019)

This application is made by accused No.04 under section 239 of the Code of Criminal Procedure 1973 to discharge him from the charges. The application strongly opposed by the prosecution by filling say at the overleaf of application.

02. Perused the application, say. Perused the record. Heard, Ld. Advocates for both the sides. I, have also gone through the relevant provisions of the Code of Criminal Procedure, 1973.

03. The accused alleged to have committed an offence punishable under section 143, 147, 149, 324, 323, 504 & 506 of The Indian Penal Code, 1860. Section 239 Code of Criminal Procedure, 1973 provides that: If, upon considering the police report and the document sent with it under section 173 and making such examination, if any, of the accused as the magistrate things necessary after giving the prosecution and the accused opportunity of being heard, the magistrate considered the charges against the accused to be groundless, he shall discharge the accused and record reasons for so doing.

04. On perusal of final report it is seen that, the statements of the witnesses recorded by investigation officer shows the involvement of the accused in the crime. The allegations against this accused is well founded. There is sufficient material on record to proceed against the accused. Hence, in view of aforesaid discussion I, do not find any substance in the application. Therefore I, passed following order.

**:: ORDER ::**

Application Exh. No.36 stands rejected.

**Place : Pali.**

**( C. U. Shipkule )**

**Date : 08/03/2021.**

**Judicial Magistrate, First Class, Pali.**