

Order below Exh.1 in RCC 332/2019
Shivappa @ Shivanand Ajur Vs Ramgonda Madgyal
(CNR-MHSN08-001648-2019)

The complaint is under Section 499, punishable under Sections 500 and 501 of the IPC.

2 Perused the complaint, the verification and the report of the police under Section 202 of the Cr.P.C.

3 Heard.

4 It is the case of the complainant, that he is a teacher in the Z.P Kannad School at Basargi. On or about 16/09/2019 the accused lodged NCR bearing No.0919/2019 for having allegedly committed offences under Sections 504, 506 and 34 of the IPC. The alleged incident has been informed to have taken place at about 8 am on 14/09/2019. On the said day, and time the complainant was present on service. He has produced on the record attendance certificate, under the signature of the Headmaster of the said school.

5 The Matter was referred to the police by the Ld. Predecessor for report under Section 202 of the Cr.P.C. The report has been received on the record on below Exh.8.

6 On prima-facie, considering the statement of the accused and the other witnesses, it has been contended that the incident took place on 14/09/2019 at about 7.30 am. There is nothing in the report to suggest that the accused has or has not committed the offence. Prima-facie, there is nothing to suggest that the police officials have made investigation or collected documents from the Headmaster of the complainant school. There appears civil dispute between the complainant and the accused. On prima-facie, perusal of the record, vis-a-vis the certificate of the

Headmaster, is prima-facie suggestive of the fact that on the relevant date and time the complainant was on duty. Prima-facie, the prosecution by the accused may not be said to be in good faith or qualifies any of the exceptions to Section 499 of the IPC. The very lodging of the NCR vis-a-vis the civil dispute and the attendance certificate prima-facie makes out case for proceedings against the accused. In short, there are prima-facie, sufficient grounds for proceeding against the accused and not for his conviction. Hence, the following

Order

Issues pursued against the accused for the offence punishable under Section 500 and 501 of the IPC.

Jath

Date:-26/03/2025

(Sanjay P.Bunde)

J.M.F.C, Jath