


MHSN110008492020 	RCC No.170/2020 State / Amol Kate
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ORDER BELOW EXH.15

Informant Suryakant Yashwant Salunkhe, Police Head constable 607, S.D.P.O. Vita lodged report in Atpadi police station under Section 420 of Indian Penal Code and Section 52 and 191 of Motor Vehicle Act against applicant/accused. After the completion of the investigation police filed chargesheet against accused.

2. Accused appeared through his advocate. Accused has filed this application under Section 239 of Code of Criminal Procedure for discharge. It is contention of the accused that he is falsely implicated in the offence. There are no contentions about deceiving any person, fraudulently or dishonestly inducing any person or wrongful gain by the accused by altering the number of the vehicle. Hence, accused deserves to be discharged.

3. Heard the Ld. advocate for accused and Ld. A.P.P. Ld. advocate for the accused argued that accused has falsely implicated in the offence. He has not fraudulently deceived any person or the government. There is no

wrongful gain or wrongful loss to anyone. Therefore, provisions of Section 420 of Indian Penal Code is not applicable. Furthermore, the accused has not alter the vehicle or particular contained in the certification of the registration. The accused is not importer or dealer of motor vehicles. Therefore, provision of Section 52 and 191 are not applicable. The accused is falsely implicated in the offence. Hence, accused deserves to be discharged. Ld. A.P.P has argued that there is prima facie allegation against accused. Witnesses stated about commission of offence by accused person. Hence it is prayed that application to be rejected.

4. Points arise for determination along with findings and reasons thereon are as under :

Sr. No.	Points	Findings
1	Whether accused person has made out case of discharge?	No..
2	What Order?	Application is rejected..

REASONS

5. Having Considered rival contentions, limited issues arise for adjudication whether accused can be discharged on the basis of police papers produced on record by Investigating Officer Law is very clear that, if documents on the record does not make out case against accused for offences levelled, he needs to be discharged. At the same

time, if there is ground to presume that he might have committed an offence punishable under law charge should be framed and he should be asked to face trial.

6. Perused FIR and documents filed along with the chargesheet. It is alleged that applicant / accused has made alteration in the RTO number of his vehicle from MH 12 BV 3243 to MH 06 W 7382 and thereby committed an offence of cheating against government. The informant and witnesses had specifically stated that accused was using his Santro car by altering RTO number of his vehicle. There is no explanation given by the accused for altering original RTO number of this vehicle. RTO number of vehicle altering without any permission of RTO authority is an offence under 52 of Motor Vehicle Act.

7. At this stage documents produced by investigating officer need to be taken into consideration and if documents produced by police do not make out the case against the accused then only accused is entitled to be discharged. In case in the hand specific allegations are made against applicant / accused person. Considering this application deserves to be rejected. Hence, I pass following order.

ORDER

1. Application is rejected.

2. Accused be directed to remain present on next date for framing of charge.

Atpadi.
Date : 20/03/2025

(A. J. Bachulkar)
Judicial Magistrate First Class
Atpadi

CERTIFICATE

I affirm that the, contents of this P.D.F. file order are same word to word, as per the original order -

Name of Stenographer	:	Mr. Ketan Ashok Sargar, (Grade-III)
Court	:	Civil Judge Jr. Dn., & J.M.F.C., Atpadi
Date	:	20/03/2025
Order signed by the Presiding Officer	:	20/03/2025
Order uploaded on	:	20/03/2025