

Cri.M.A. No. 270/2020
Achyut Suryawanshi Vs. Suraj Kapase and others
MHSO110013122020

ORDER BELOW EXH. 01

Perused the complaint, verification statement of the complainant and witness, the report of investigation under section 202 of the Code of Criminal Procedure and the documents on record. Heard learned advocate for the complainant.

2. The complaint is filed in respect of offence punishable under Sections 323, 504 and 506 r.w.34 of the Indian Penal Code for the alleged assault dated 26.04.2020. The ingredients of the offence punishable under sections 323 and 506 r.w. 34 of the I.P.C. are prima facie made out from the verification statement of the complainant. The statement of the accused recorded during investigation under section 202 of the Code of Criminal Procedure also reveals occurrence of the incident though they have denied allegations against them. The Medico Legal Certificate also prima facie reveals injuries to the complainant. However, the verification statement of the complainant and his witness do not reveal any ingredients of the offence of intentional insult punishable under Section 504 of the Indian Penal Code. Considering all these aspects, I find that there is sufficient ground to proceed further against the accused for offences punishable under sections 323 and 506 r.w. 34 of the I.P.C. Hence, I pass the following order.

ORDER

1. Issue process against the accused for offence punishable under sections 323 and 506 r.w. 34 of the Indian Penal Code.
2. The complaint is dismissed in respect of the offence punishable under Section 504 of the Indian Penal Code.
3. Issue summons accordingly.
4. The case be re-registered as S.C.C.

Date : 12.02.2025.

(Alok V. Deshpande)
Judicial Magistrate First Class, Malshiras.

CERTIFICATE

I affirm that the contents of this PDF file/order is same word to word as per the original order.

- a) Name of the Stenographer : Arun K. Vibhute (Grade III)
- b) Court : 3rd Jt. C.J.J.D. and J.M.F.C., Malshiras.
- c) Order signed by P.O. on : 12/02/2025
- d) Order uploaded on : 15/02/2025