



**ORDER BELOW EXH.04.**

01. The accused No.01 and 02 have moved an application for discharge U/sec.262 of Bharatiya Nagarik Suraksha Sanhita (for short BNSS). The accused contended that, they had not committed any offence and were falsely implicated on the basis of false and fictitious incident alleged by the informant/victim. The accused No.01 was not present on the day of incident and that he is a public servant and necessary sanction was required to be taken before taking cognizance of offence against him. They are booked for the offence punishable U/sec.324,327,354(B), 143,147 to 149, 323,504,506 of I.P.C. but none of these offences are attracted and hence, they need to be discharged.

02. Learned A.P.P. filed her say and opposed it on the ground that, the application is not maintainable and on the basis of statement of the victim and other persons, there is sufficient material to proceed against the accused. She prayed for rejecting the application.

03. The defence had claimed about false implication but, it shall be decided on the strength of the evidence of the prosecution and after going through the statements of the victim, FIR, the role of accused Nos.01 and 02 is precisely mentioned therein. The accused No.01 was not at his work place on the day of incident and he was not discharging any official function at the time of incident and his absence on the spot of incident can not be readily inferred and he was required to place satisfactory material



on record. The chargesheet reflects sufficient ground to proceed against the accused persons and there is no ground available for their discharge. The application is therefore, rejected.

Date: 19.08.2025.

[M. M. Kalyankar]  
Judicial Magistrate, First Class,  
Akkalkot.



## **CERTIFICATE**

I affirm that the contents of this PDF file Order / Judgment are same word to word, as per the original Order / Judgment.

Name of the Stenographer : S.P.Doke (Grade-III).  
Court : C.J.J.D. and J.M.F.C., Akkalkot.  
Date : 19.08.2025.  
Judgment / Order signed by P. O. on : 20.08.2025.  
Judgment / Order uploaded on : 20.08.2025.