

ORDER BELOW EXH. 56 IN SESSIONS CASE NO. 150/2020
(CNR.NO.MHST01002250-2020)
(State of Maharashtra Vs. Dnyandeo Godse & Ors.)

This is an application filed by accused No. 5 Amar Shankar Pawar under Section 227 of the Code of Criminal Procedure for discharge. Accused is charge-sheeted for the offence punishable under Sections 364, 365, 504, 506 read with Section 34 of the Indian Penal Code and Section 39 and 45 of the Maharashtra Money Lending Act registered vide C.R. No. 337/2020 at Satara Taluka Police Station.

2] Applicant stated that accused persons charge-sheeted by allegations that they were doing the money lending business. They have given hand loan to various person at the rate of interest 10% p.m. Accused persons given hand loan of Rs. 10,40,000/- at the rate of interest 10% p.m. to the informant. For that amount informant repaid amount of Rs, 31,20,000/-. Accused Dnyandeo Godse kidnapped the informant and witness Ramesh with intention to kill him on 05/06/2020. Therefore, accused persons are facing the charges as mentioned above.

3] Accused stated that in the charge-sheet there is no prima-facie case against him. In the report lodged on 25/06/2020 there are no allegations against him. He was not involved in the offence. Statements of witnesses and panchnama shows that there is no prima-

facie case against him. There is no documents or proof filed alongwith charge-sheet to connect him in the offence. Therefore, he filed application for discharge.

4] Ld. A.P.P. filed say vide Exh. 62 and strongly opposed to this application contending that the reasons mentioned by applicant/accused for discharge are not sufficient. It has been stated that during the investigation the role of the accused has been transpired, therefore, he is charge-sheeted. It has been stated that there is prima-facie case against him. There is ample evidence in the charge-sheet, therefore, prosecution prayed to reject the application.

5] Considering the rival contentions of both parties following points arise for determination. Findings and reasons thereon are as under :

SR.No	<u>POINTS</u>	<u>FINDINGS.</u>
1.	Does applicant prove that there is no sufficient grounds for proceeding against him ?	In the negative.
2.	What order ?	As per final order.

REASONS

As to Point Nos. 1 and 2 :

6] Ld. Counsel for the accused No. 5 vehemently argued that in the First Information Report no name of the present applicant/accused has been mentioned. It has been further contented that there is delay for lodging the report. It has been stated that accused having no concern with the case. He further contended that in the supplementary statement of the informant there is name of the accused on the basis of that he was arrayed as accused in the present case. He further contented that there is no prima-facie case against him. Therefore, he is entitled for discharge.

7] On the other hand, Ld. A.P.P. contended that name of the present accused has been mentioned in the statement of witness. It has been stated that there is memorandum panchnama of the accused in which it has been also mentioned that some material seized from him. He contended that there is no licence with the accused for doing the money lending business. It has been contended that there is prima-facie case against accused. Further, documents had been sent for the opinion of the hand writing expert regarding handwriting, report yet not came, therefore, at this stage it cannot be said that accused is not involved in this case.

8] In the report lodged by Dipak Subhanrao Jadhav dated 25/06/2020 name of the present accused has not been mentioned, but in the supplementary statement recorded on 26/06/2020 the name of

the present accused has been mentioned. It has been stated that present accused was with Dnyandeo Godse. He has also given hand loan to him at the rate of interest 10% p.m. and they have obtained his signature. In the statement of Ramchandra Shankar Mane he has stated the name of accused saying that he was paying amount to Amol Pawar. In the memorandum statement by Dnyandeo Godse some notebooks were seized, in which amount was mentioned. He has mentioned the names of other persons in which there is name of accused as "Pawar". The documents were seized from accused, which were sent for the opinion of the handwriting expert. They are yet to come. Unless those reports came on record, at this stage it cannot be said that there is prima-facie case against accused.

9] The documents filed alongwith charge-sheet and statements of witnesses shows that there is prima-facie case against accused to frame the charge. There is no sufficient reason to discharge him. Hence, I answer to point No. 1 in the negative and for point No. 2 pass following order.

ORDER

1] Application is rejected.

2] No order as to costs.

(Dictated and pronounced in open Court.)

Date : 08/03/2023

(R. K. Rajebhosale)
Additional Sessions Judge, Satara