



CNR No. : MHWR030058302022

R.C.C. No. 810/2022

State Vs. Dinesh + 4

COMMON ORDER BELOW EXHs. 01 & 35

Accused are prosecuted for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act. Accused No. 4 through application at Exh. 35 is seeking discharge. Ld. APP filed her say below the application and resisted the same.

2. Ld. Advocate for applicant-accused vehemently submitted that, there are no specific allegations of violence against accused No. 4 and dates of the alleged incidences are also not mentioned in the FIR. Thus, no case is made out against accused No. 4 and therefore, he is liable to be discharged. Hence, prayed for the reliefs sought.

3. *Per contra*, Ld. APP *vide* her say argued that, there are allegations of violence for demand of dowry against all accused. Further, name of applicant-accused is categorically mentioned in the FIR and his bank statement is also annexed with the charge-sheet. There is equal involvement of accused and serious allegations are made out against him. Prosecution needs to be given opportunity to prove its case. Hence, prayed for rejection of the application.

4. Perused the application, say filed and the record. Heard both sides at length. It is the contention of applicant-accused that, there are no specific allegations and dates of alleged instances are also not mentioned in the FIR. However, it is apparent that, name of applicant-accused is categorically mentioned in the FIR.

5. It is pertinent to note that, relationship of applicant-accused with the informant-victim is not disputed. Further, it is also not disputed that he was residing with the informant in her matrimonial house. There are allegations of cruelty for demand of dowry against all the accused including the applicant-accused. Further, perusal of charge-sheet & documents annexed with it, particularly the bank account statement extract, also *prima facie* show monetary transactions in the account of applicant-accused.

6. It is trite principle that, FIR is not an encyclopedia and detail chronicles are not necessary. Further, as the name of applicant-accused is categorically mentioned and documents on record also *prima facie* support the allegations, prosecution needs to be given an opportunity to prove its case. Thus, objections raised by applicant-accused are part of trial and cannot be adjudicated at this stage.

7. Therefore, considering the reasons mentioned above, in my view, there is sufficient material on record to frame charge against applicant-accused for the alleged offences. Hence, present application is liable to be rejected. Accordingly, I proceed to pass the following order :

ORDER

1. Application at Exh. 35 is hereby rejected.
2. Charge be framed against all the accused for the alleged offences accordingly.
3. Both parties to take note of this order.

Place : Wardha

Date : 25/11/2025

(Vickrant P. Khandare)

Judicial Magistrate First Class, Wardha.

(Court No. 1)