



R.C.C. No. 262/2022.

State of Maharashtra (Through P.S. Ghatanji) -Vs-
Shrikant Ade and others.

CNR No.- MHYA-1800-0745-2022.

ORDER BELOW EXH. 30

The present application is filed under section 245 of the Code of Criminal Procedure by accused No. 4 and 5. It is their contention that, no specific allegations are made against them. If they are not discharged, then it is sheer waste of time of the Court. Hence, they prayed to allow the application.

2. Learned A.P.P. for the State has filed his say on the overleaf of the application. It is his contention that, the informant and all other witnesses have made allegations against accused No. 4 and 5 also. It is their allegations that, accused No. 4 and 5 harassed the informant by demanding amount of dowry. Therefore, prima-facie, evidence is on record against accused No. 4 and 5. Hence, he prayed for rejection of the application.

3. Heard both sides. It is argued on behalf of accused No. 4 and 5 that, after perusal of statement of all witnesses, no specific allegations were seen against them. Therefore, keeping the matter alive against accused No. 4 and 5 will waste valuable time of this Court. Hence, it is prayed to discharge the accused No. 4 and 5.

4. On the contrary, learned A.P.P. argued in tune of his say filed on overleaf of the application. Therefore, to avoid the repetition, it is not mentioned here.

5. I have gone through the documents on record. After perusal of report/complaint dated 10-07-2021, it is seen that, the informant has alleged that, accused No. 1 to 3 were instigated by accused No. 4 and 5 for demand of dowry and cruelty against her. From perusal of statement of informant and witnesses, it is prima-facie seen the involvement of accused No. 4 and 5 for commission of cruelty and demand of dowry. Therefore, though no specific allegations were made against accused No. 4 and 5, which will not entitle them to be discharged only on the said ground. On the contrary, prima-facie evidence is on record against accused No. 4 and 5, which, if not rebutted by accused, would warrant their conviction. Therefore, considering the material on record, and prima-facie evidence, accused No. 4 and 5 are not entitled to be discharged from the present case. Hence, the following order is passed;

ORDER

The application Exh. 30 is hereby rejected.

(A.A. Kalamkar)
Date :- 16/11/2024. Judicial Magistrate First Class, Ghatanji.
(Court No. 2)