

ORDER ON APPLICATION FILED

U/S 323 of CR.P.C.

The learned APP has filed this application under Section 323 of *Criminal Procedure Code*, to commit the case to the Hon'ble Court of Sessions.

It is stated that, the Kolar Rural Police have filed the charge-sheet against the accused for the offences punishable under Section 440, 328 of *Indian Penal Code*. The alleged offence punishable under Section 328 of *Indian Penal Code* is exclusively triable by the Court of Sessions. Hence, it is necessary to commit the present case to the Hon'ble Court of Sessions.

The learned counsel for the accused has submits no objections.

Heard the learned APP and the learned counsel for the accused.

Perused the case records.

On perusal records it discloses that the PSI of Kolar Rural Police has filed charge-sheet against the accused for the offences punishable under Section 440, 328 of *Indian Penal Code*. After taking cognizance, in pursuance of summons the accused appeared through her counsel. She is on bail. The present application is filed by the learned APP seeking to commit the case to the Hon'ble Sessions Court on the ground that Section 328 of

Indian Penal Code is exclusively triable by the Court of Sessions. Hence, it is necessary to commit the present case to the Hon'ble Sessions Court. As per Section 323 of *Criminal Procedure Code*, if it appears that the case ought to be tried by the Hon'ble Sessions Court, it should be committed to the Hon'ble Sessions Court at any stage of the proceedings. Hence, by considering the facts and circumstances of the case, it is necessary to commit the case to the Hon'ble Sessions Court. Accordingly, application filed by the learned APP is allowed. The case is committed to the Hon'ble Prl. District and Sessions Court, Kolar.

The accused shall appear before the Hon'ble Sessions Court as and when directed.

Office is hereby directed to send all the records along with the material objects and necessary papers to Hon'ble District & Sessions Court, Kolar forthwith.

Office is also hereby directed to send intimation to the office of the Public Prosecutor attached to Hon'ble Court in respect of committal of present case.

I Addl. Senior Civil Judge and CJM.,
Kolar.

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Accused No.1 and 3 have offered surety by name S/o. , Age: 50 years, R/at Tulasigeri, Tq: & Dist: Kolar is ready to stand as surety to accused No.1 to 3. Surety has furnished RTC extract of land Sy.No.139/1A/4 measuring 2 acres 28 guntas of Kammasandra village, copy of Adhar card along with declaration affidavit and he expressed his intention to stand as a surety for accused No.1 to 3.

Enquired the surety.

Surety accepted.

Office to take bonds.

I Addl. Senior Civil Judge and CJM.,
Kolar.