

ORDER BELOW EXH.1 IN Cri. M.A.NO. 676/2022
CNR No. MHSO140025542022

The complainant has filed the present application for issuing process against the accused. The present complaint filed for offence punishable under section 323, 341, 504 and 506(2) of Indian Penal Code ('IPC'). Perused the complaint, verification of the complainant recorded on oath and the documents filed on record.

The case of complainant, in brief, is as follows:-

2. The complainant states that, he and accused are real brothers. They have ancestral property bearing Gat No. 205/1 which is not yet partitioned. On 09/10/2022 when the complainant went to the Well situated in the said property accused came there and abused the complainant in filthy language. Accused slapped the complainant and threatened him with injury to his person. The people present around intervened and extricated them. The complainant went to the Pangari Police Station to register an offence. However, police has not take any action upon the said complaint. Hence, the present complaint.

3. Perused the record along with verification on oath of the complainant (CW-2) and witness by name Khandu Ghodake (CW-1). The complainant has reiterated the allegations were in the complaint. Heard Learned Advocate for the complainant. He has submitted that, essential ingredients to make out offence punishable under section 323, 341, 504 and 506(2) of IPC are made out. Hence, prayed for issuance of process against the accused persons for above-mentioned offences.

4. It prima-facie appears that there is substance in the contentions of the complaint. From the verification, the accused persons, appear to have verbally abused the complainant in filthy language. The accused restrained the complainant from coming to their ancestral property. Further the accused slapped the complainant for two times. The accused also

threatened the complainant with injury to his head if he enters into their ancestral land. Thus, case for offence punishable under section 323, 341, 504 and 506(2) of IPC is prima-facie made out.

5. The complainant has prima-facie established the commission of offence punishable under section 323, 341, 504 and 506(2) of IPC. There are sufficient grounds for proceeding against accused for offence punishable under section 323, 341, 504 and 506(2) read with 34 of IPC. Hence, the order.

ORDER

1. Issue process against accused by name Kalyan Mallikarjun Ghodake for offence punishable under section 323, 341, 504 and 506(2).
2. Matter be registered as per rules.

Date: 04/06/2025.

(Smt. Revati P. Bagade)
Judicial Magistrate First Class
Barshi.

CERTIFICATE

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

(a)	Name of the Stenographer	:	S. V. Kokate (Grade-III)
(b)	Court	:	Smt. Revati P. Bagade 4 th Jt. Civil Judge, J.D.& J.M.F.C.Barshi
(c)	Judgment /Order signed by P.O. on	:	04.06.2025
(d)	Judgment /Order uploaded on	:	05.06.2025