section, has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. Except the offence under Section 436 of IPC, all other offences are triable by the Court of Magistrate. The case will have to be relegated to the the Court of Magistrate by setting aside the entire order framing charge to deal with other charges levelled by prosecution, in accordance with law.

8. Hence, I pass following order :

ORDER

(i) Criminal Revision Application No.582 of 2016 is allowed;

(ii) The impugned order dated 29th July 2016 as well as the order framing charge dated 31st August 2017 passed by the learned Additional Sessions Judge, in Sessions Case No.250 of 2015, is quashed and set aside;

(iii) The charge u/s 436 of Indian Penal Code against the applicants is dropped and the Sessions Court is directed to remit the matter to the appropriate Court for prosecution of the applicants for the offences punishable under the other penal provisions;

(iv) The competent Court to which the case will be remitted, shall deal with the case in accordance with law;

(v) Criminal Revision Application No.582 of 2016 stands disposed off.

METROPOLITAN MAGISTRATE MULUND MUMBAI

Pg. 1 to Pg 4
This is Xerox copy filed on record.

Application No.: 432/23 Delivered on: 21/4/23
Applied on : 19/4/23 Type/Xerox
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High Court, Appellate Side
Bombay

IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS),
27TH COURT, MULUND, MUMBAI

ORDER BELOW EXH. 1 IN C. C. NO. 52/SW/2014

Complainant and Ld. Advocate for complainant absent when called repeatedly. On perusal of roznama and record it appears that, complainant and his advocate are absent since last so many dates. The complainant has not taken further steps to proceed with matter. From the conduct of complainant it appears that complainant is not interested in proceeding with the matter. Sufficient opportunity has been given to the complainant to proceed with the matter. But, complainant failed to proceed with matter. Hence, I proceed to pass the following order.

ORDER

Complaint is dismissed for want of prosecution.

Sd/-
(S. V. Swami)
Judicial Magistrate (First Class)
27th Court, Mulund, Mumbai.

Date : 06/05/2026
Place : Mulund.