

9605/28/29

IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS),
67th COURT, BORIVALI, MUMBAI

ORDER BELOW EXH. 1

1. I have gone through the proceeding. Accused is / are charged with the offence p/u/s. 188. The case is filed by the prosecution after registering the First Information Report against the accused. Further it appears that after making investigation by the investigating officer filed chargesheet in this court. I have gone through the provision of 195(1) of Cr.PC. it is specifically provided that no court shall take cognizance – (a)-(i) of any offence punishable u/s. 172 to 188 (both inclusive) of IPC. Therefore, as per this provision this court cannot take cognizance of this case except the complaint filed by the competent person as provided in Section 2(d) of Cr.PC. for taking cognizance of the offence p/u/s. 172 to 188 of IPC, the concern person has to follow the procedure of Section 200 of Cr.PC. but in this cases the case registered at police station and police has taken cognizance and forwarded charge-sheet to this court. Therefore, present proceeding deserves to be stopped alongwith other offences u/s. 188 as these offences are consequent upon the offence punishable u/s. 188. The prosecution is at liberty to take proper course of action against the accused for the p/u/s. 188.

ORDER

1. The proceeding is stopped u/s. 258 of Cr.PC.
2. Accused discharged.
3. Bail bond stands cancelled, if any.

Di. 14/12/2024


(A.D. Ghuge)
Judicial Magistrate (First Class),
67th Court, Borivali, Mumbai.