

IN THE COURT OF ADDITIONAL CHIEF METROPOLITAN MAGISTRATE,
4TH COURT GIRGAON, MUMBAI

C. C. No. 722/PS/2021

ORDER BELOW EXH.1

Taken matter on today's board in view of Special Drive to dispose of cases. Perused the case papers. It appears that chargesheet has been filed against the accused for the offences punishable under Section 188, 269 IPC & 11 Maha Covid-19 Rules

It is necessary to file complaint by concerned public servant under Section 195 of Cr.P.C. for taking cognizance of the offence punishable under Section 188 of IPC. It shows that the special procedure prescribed in Section 195 of Cr.P.C. has not been followed by prosecution. Merely there is other offence p/u/s. 269 of I.P.C. and 11 Maha Covid-19 Rules

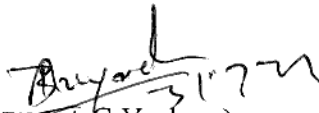
alleged is no ground to proceed with accused for committing those offences except offence p/u/s. 188 of I.P.C. Offences alleged u/s. 188 of I.P.C. and 269 IPC & 11 Maha Covid-19 Rules are part of same offence, have been committed in course of one transaction. All offences can be said to be integral part of one transaction.

In such circumstances, it would be proper to stop the proceeding under Section 258 of Criminal Procedure Code in view of Special Drive. Hence, I pass the following order.

ORDER

1. The proceeding against accused ① Nilesh Viraji Nishar
② Gopishin Laxa Kulkarni ③ Devkumar Satendra Shah.
is / are hereby stopped under Section 258 of the Code of Criminal Procedure in respect of alleged offences.
2. The accused is/are accordingly discharged.
3. Proceeding stands closed.
4. Inform accused accordingly.

Date: 31.07.2021


(Jaywant C Yadav)
Addl. Chief Metropolitan Magistrate
4th Court, Girgaon, Mumbai