

IN THE COURT OF METROPOLITAN MAGISTRATE,
17TH COURT, BORIVALI, MUMBAI.

C. C. NO. 3645/PS/2024.

ORDER BELOW EXH. 1

1. Heard Ld. APP. Final Report under section 173 of CrPC is forwarded by Senior Police Inspector of Vanrai Police Station with an application to accept the charge-sheet by condoning the delay caused in filing it. C. R. No. 261/2015 is registered under section 279, 337, 338 of IPC. Allegations are under section 279 are regarding rash and negligent driving on a public way and offence alleged attracts punishment which may extend to 6 months or with fine of Rs. 1,000/- or with both. Allegations are under section 337 are regarding causing hurt by rash and negligent driving and offence alleged attracts punishment which may extend to 6 months or with fine of Rs. 500/- or with both. Allegations are under section 338 are regarding causing grievous hurt by rash and negligent driving on a public way and offence alleged attracts punishment which may extend to 2 years or with fine of Rs. 1,000/- or with both

2. As per Sec. 468 (2)(b) of CrPC, three years is the period of limitation to take cognizance. Offence alleged took place on 18.08.2015. Final Report is forwarded on 18.05.2024. Thus, apparently Court cannot take cognizance of the offences alleged in view of Section 468(2)(b) of CrPC. Grounds for condonation of delay are not satisfactory. Hence, cognizance of the offences alleged cannot be taken. Resultantly, I pass the following order :

ORDER

- i. Application for condonation of delay is rejected.
- ii. Bail bond of accused, if any, executed during remand is cancelled. Surety, if any, is discharged.

iii. Cash bail, if any, be returned to accused on this application, as per rules.

iv. Proceeding is disposed of.



(A. M. Mujawar)

Metropolitan Magistrate,
17th Court, Borivali, Mumbai

Mumbai

Date :18.05.2024