

Order below Ex-1:

C.C: 5387.21

This court has taken notice of the fact in the wake of covid 19, may chargesheets as per the sec 173(2) of CRPC have been filed in this court, in some combination of the following penal provisions:

Section:269 &270 of IPC:

For the offence under section 269,270 of IPC the observation made by the Honble High court of Gujrat, in the case of Govardhan Kumar Thakoredas Asrani V/S State of Gujrat; 2018(1)GLH 63, would be handy. It was observed in the para 41 of the said Judgement that " If in truth substance an offence falls in the category of sections in section 195; it is not open to the court to undertake the exercise of splitting them up and proceeding further against the accuse for the other distinct offences.

This court while relying upon the above observation is of the view that the said offence can not be split from the offence under section of 188 of IPC or Sec 3 of EDA or Sec 51 of DMA for which no complaint has been made as envisaged under 195 of CRPC qua sec 188 of IPC and Sec 3 of EDA or as envisaged under section 60 of DMA qua Sec 51 of DMA. Moreover the cognizance under section 269,270 or 271 of IPC would be barred as discussed in above paragraph.

Looking to the above observation I passed the following order:

The accuse is ordered to be discharged as per section 258 of CRPC.

09.03.24

Sd/-
I.M.Shaikh
14th Additional Senior civil Judge