

ORDER BELOW EXH.1

The present matter is taken up today in Special Drive for petty matters. The present Charge-sheet is filed mainly for offence punishable under Section 188 of Indian Penal Code and other provisions. The cognizance is expressly barred by Section 195 of Code of Criminal Procedure as it is not filed with required authorization and format. Therefore, cognizance can not be taken.

The allegations are vague and of very general nature. The material reflects that it is deficient. It is not enough to constitute prima facie case to proceed further. Thus, in the alternative, even if it is presumed that there is no such bar, the cognizance can not be taken.

After registration of First Information Report the Maharashtra Government passed resolution bearing No. शासन निर्णय क्र.पीआरओ-१२२१/प्र.क्र.३५१/विशा-२, dated 20.09.2022 and directed all the Police Stations within Maharashtra to withdraw all the matters filed under these provisions during pandemic. It is informed by Ld. A.P.P. and concerned Police Station through him that proposal is already sent for approval to concerned authorities to withdraw the present matter. It is almost sanctioned on the basis of this Government Resolution, but compliance will take some additional time. There seems no point in waiting for such intimation as resolution itself is very clear. Thus, on this point also there is no point in proceeding further for completing empty formality.

The summary of the above discursion is that the cognizance can not be taken for want of technical compliance and sufficient evidence to proceed further. So also the matter is already going to be withdrawn by the prosecution in view of above resolution No. शासन निर्णय क्र. पीआरओ-१२२१/प्र.क्र.३५१/विशा-२, dated 20.09.2022. Therefore, following order -

ORDER

The proceeding is allowed to be withdrawn and hence, disposed off. Consequently proceeding also stands dropped against accused.

MUMBAI

DATE – 05.09.2023

(KOMALSING RAJPUT)

M.M., 12TH COURT, BANDRA, MUMBAI