

**ORDER BELOW EXH.1**

The charge-sheet is filed by Police Station Khar for the offence punishable under section 188 of the Indian Penal Code (hereinafter 'IPC'). So far as section 188 of the IPC is concerned, the cognizance of the said offences can be taken only on the filing of the complaint by the authorities mentioned in the concerned Acts vide Section 195(1)(a)(i) of the Code of Criminal Procedure, 1973. This case is filed under Section 173 of the Code of Criminal Procedure by Khar Police Station. The cognizance is barred. For these reasons cognizance cannot be taken on filing of the charge-sheet in this case. Following order is passed.

**ORDER**

- i) The proceeding is stopped under Section 258 of Cr.P.C. The accused stand released from the offence punishable under Section 188 of Indian Penal Code.
- ii) The Bail bond of the accused stand cancelled. Cash surety if any, be refunded to the accused.
- iii) BW/NBW issued, if any, be returned without execution.
- iv) Case papers be filed.

Date:- 28.04.2023

  
( K.H.Thombre)

Addl.Chief Metropolitan Magistrate,  
09<sup>th</sup> Court, Bandra, Mumbai.