

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

C. C. NO. 3447/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. 114/2018 is registered under section 294, 114, 34 of IPC. Allegations are under section 294 regarding obscene act and songs. Offence alleged attracts punishment which may extend to 3 months or with fine or with both.

2. As per Sec. 468 (2)(b) of CrPC, one year is the period of limitation to take cognizance. Offence alleged took place on 01.04.2018. Final Report is forwarded on 18.04.2024. Thus, apparently Court cannot take cognizance of the offence 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.

Mumbai
Date :06.05.2024


(A. M. Mujawar)
Metropolitan Magistrate,
17th Court, Borivali, Mu.