

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
39th COURT, VILE PARLE, MUMBAI.

C.C. No. 4633/SS/2025

ORDER

This is complaint filed wide section 210(1)(a) r/w. Section 2(h) of the Bhartiya Nagarik Surksha Sanhita, 2023 (in short 'the BNSS') alleging for commission of a cognizable offence. In view of first proviso to sub-section (1) of section 223 of the BNSS, notice was issued to the accused. That, despite the said notice is duly served on the accused, the accused did not appear in the Court nor responded to it. Therefore, the accused has impliedly declined and waived his statutory right of being heard. In such situation, except to proceed with the complaint according to the statutory provisions, no option is remained. Thus, the complaint is required to be taken ahead in terms of procedure.

Read the complaint. As this complaint has been filed by the person who is "public servant" and as in view of second proviso to sub-section (1) of section 223 of the Bhartiya Nagarik Surksha Sanhita, 2023 (in short 'the BNSS') the complainant has not been examined. The complaint is filed by Municipal Corporation of Greater Mumbai through Assistant Law Officer. It be registered as **Summons Case** (SS).

The notice before issuance of process was issued to the accused which was duly served on him. Enquiry vide section 225 of the BNSS is also made. *Prima facie* case has been made out against the accused for the offence punishable under section **328A/471** of the Mumbai Municipal Corporation Act, 1888. Hence, issue process against the accused vide Sec. 227 of the BNSS for the abovesaid offence.

Sd/-

(Amrit C. Birajdar)

Judicial Magistrate (First Class),
39th Court, Vileparle, Mumbai.

Dated : 28/04/2026