

IN THE COURT OF METROPOLITAN MAGISTRATE,
32ND COURT, BANDRA, MUMBAI.

C.C. NO. 630/MISC/2019

ORDER BELOW EXH-1

1. The charge-sheet has been filed after delay of around three years. Thus, the investigating officer sought to condone delay and to accept the charge-sheet on the ground that due to transfer of investigating officer to other police station, the delay has been caused.

2. Perused the application, affidavit. Accused failed to file his say though he has given considerable time. Ld. APP failed to argue.

3. Having gone through the charge-sheet, it is found that the entire investigation has been concluded in the month of December, 2016 i.e. within the three months from registration of crime. The crime is registered on 13.09.2016. The format of charge-sheet Exh-1 shows the date of filing charge-sheet is 19.11.2019. It means exactly the charge-sheet was decided to file at the end of limitation period. But, not filed for the reasons best known to the investigating officer. Thus, it can be seen that the delay is deliberate and without any reason.

4. The application and affidavit is cryptic, vague and does not give any proper ground to justify delay. It is just a cyclo-style typewritten application & affidavit, which shows the lackadaisical attitude and negligent approach even in making the application seeking condonation of delay. When the ground of

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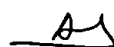
transfer is raised, atleast the date of transfer and the place of transfer is to be mentioned, so that it can be ascertained said ground is genuine or not ?

5. Non mentioning of the material particulars is sufficient to raise an adverse inference that delay is intentional, deliberate or may be due to negligence to shield the accused.

6. In these circumstances, absolutely there is no ground raised to show genuine cause of delay. Thus, the charge-sheet cannot be accepted. As such, the prosecution seems not serious in filing the delay condonation application and in arguing the same.

7. Resultantly, no justified explanation/cause for delay found. No cognizance can be taken, as charge-sheet is time barred vide section 468 of the Cr.P.C. Accordingly, charge-sheet rejected and send back to the concern police station. Inform Commissioner of Police accordingly. J.C. to comply.

Date: 18.12.2021


(Smt. A.M. Shah),
Metropolitan Magistrate, 32nd Court,
Bandra, Mumbai.