

IN THE COURT OF THE METROPOLITAN MAGISTRATE,
67th COURT, BORIVALI, MUMBAI

ORDER BELOW EXH. 1

I have gone through the proceeding. Accused is charged with the offence p/u/s.188 of IPC. The case is filed by the prosecution after registering the first information report against the accused. Further it appears that after making investigation by the investigating officer filed chargesheet in this court. I have gone through the provision of 195(1) of Cr.PC. it is specifically provided that no court shall take cognizance – (a)(i) of any offence punishable u/s.172 to 188 (both inclusive) of IPC. Therefore, as per this provision this court cannot take cognizance of this case except the complaint filed by the competent person as provided in Section 2(d) of Cr.P.C. for taking cognizance of the offence p/u/s.172 to 188 of IPC, the concern person has to follow the procedure of Section 200 of CR.P.C. but in this cases the case registered at police station and police has taken cognizance and forwarded charge-sheet to this court. Therefore, present proceeding deserves to be stopped. The prosecution is at liberty to take proper course of action against the accused for the p/u/s.188 of IPC.

2. It also appears from record that present case is pending since 2023 for appearance of accused u/s.269 of IPC. Ample chance is given to the prosecution but prosecution failed to secure presence of accused till today. Case is old one and accused not traceable till today. Hence, following order :-

ORDER

1. The proceeding is stopped u/s. 258 of Cr.P.C.
2. Accused discharged.
3. Bail bond stands cancelled, if any.

Sd/-

(R. G. Bagade)

Dt.06.02.2023

Metropolitan Magistrate,
67th Court, Borivali, Mumbai.