

Indian Penal Code, 1860 (XV of 1860) S. 188 - Cr.P.C., 1973 (II of 1974), Section 2(d), 173(8) , 195 - Complaint does not satisfy the requirements of Section 195(1)(a)(i) Cr.P.C. i.e., in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate or of Section 2(d) of Cr.P.C. i.e., a report of a police officer after investigation of commission of a non-cognizable offence - The complaint made by the respondent No.2 was a complaint made to the SHO and is not a complaint to the Magistrate so as to satisfy the requirements of Section 195(1)(a)(i) Cr.P.C. - The final report filed by the SHO is not a report of a Police Officer of commission of a non-cognizable offence so as to satisfy the requirements of Section 2(d) of Cr.P.C. - Alleged complaint does not satisfy the requirements of Section 195 Cr.P.C. Non-compliance of Section 195 Cr.P.C. is a defect which cannot be cured subsequently as is sought to be done by the prosecution by filing a supplementary chargesheet or by way of a complaint given by the public servant after cognizance has been taken.

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