

OFFICE OF DISTRICT MAGISTRATE KANGRA AT DHARAMSHALA

No. 2839-1

SK/DM

Dated 13th October, 2021

To

Additional Chief Secretary (Home), to the
Government of Himachal Pradesh.

**Subject: - Regarding condition requisite for initiation of proceeding under
Section 188 of IPC.**

Sir,

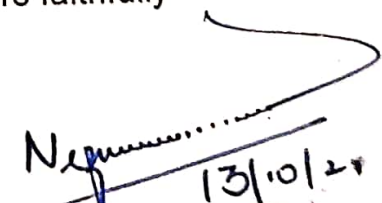
On the subject cited above it is submitted that in recent past the District Disaster Management Authority in order to curtail the spread of COVID-19 and in compliance to the directions of the State Government, had implemented lockdown and imposed certain restrictions under section 188 of IPC and under section 51-56 of Disaster Management Act, 2005.

In this regard the District Police has submitted a large number of case files under section 188 of IPC and section 51-56 of Disaster Management Act, 2005 in connection to the violation of directions issued by this office to curtail the spread of COVID-19.

In view of the above the section 195 of Cr. PC states that a court can take cognizance of an offence under section 188, IPC only on a written complaint filed before it by the public servant whose orders has been contravened by the accused which means the complaint has to be filed by this office. Further there are number of persons accused for the above said violation who requires character certificates for their jobs and other reasons and are unable to get the same due to their registered cases for Covid-19 violations and hence the above said cases has to be disposed off at the earliest in the public welfare.

In this regard you are kindly requested to guide this office regarding the steps to be taken for the disposal of aforesaid cases.

Yours faithfully


(Dr. Nipun Jindal) IAS
Chairman DDMA-cum-District Magistrate
District Kangra at Dharamshala