

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn 27 of 2024

Sri Tulshi Paul

---Petitioner(s)

Versus

The State of Tripura

---Respondent(s)

For Petitioner(s)	:	Mr. Kundan Pandey, Advocate.
For Respondent(s)	:	Mr. S. Ghosh, Addl. PP.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

15.07.2024

Heard learned counsel for the parties.

[2] This is an application under Section 482 of the Code of Criminal Procedure, 1973 for quashing/setting aside the FIR in Amtali PS case No.2019 AMT 069 dated 23.05.2019 under Section 326/307/354(B)506/34 of IPC and the Order dated 06.06.2022 passed in PRC (SP) 445 of 2020 wherein cognizance was taken against the petitioner by the Ld. Judicial Magistrate 1st Class, Court No.1, Agartala, West Tripura.

[3] The case of the petitioner is that an FIR vide No.2019 AMT 068 dated 23.05.2019 under Section 326/307/386/34 of IPC was lodged against the husband of the complainant and 10 others and as such only to create a defense story and to harass the petitioner, the complainant lodged the false complaint against the petitioner and others. The charge sheet was submitted after more than one year and the Ld. Judicial Magistrate 1st Class, Court No.1, West Tripura, Agartala most illegally and arbitrarily without considering the fact that the offences alleged against the petitioner are punishable with imprisonment for one year or a fine of one thousand or with both. The FIR was lodged on 23.05.2019, whereas the Charge sheet/ final report was submitted on 08.07.2020 and the Ld. Judicial Magistrate 1ST Class, Court No.1, West Tripura, Agartala took cognizance

against the accused petitioner only on 06.06.2022 i.e. after more than 3(three) years from the date of incident which is barred by limitation as per Section 468(2)(b) of Cr.P.C.

[4] Being aggrieved by the impugned order dated 06.06.2022, the petitioner has approached this court by way of filing this revision petition for seeking the following relief(s):

- (i) Admit this petition;
- (ii) Call for the records;
- (iii) Issue notice upon the Respondents and after hearing be pleased to quash / set aside the F.I.R in Amtali P.S. case No. 2019 AMT 069 dated 23.05.2019 under Section 326/307/354(B)/506/34 of IPC and the Order dated 06.06.2022 passed in PRC (SP) 445 of 2020 whereby cognizance of offence was taken against the petitioner by the Ld. Judicial Magistrate 1st Class, Court No.1 Agartala, West Tripura.
- (iv) In the interim be pleased to stay the further proceedings of case vide No. PRC (SP) 445 of 2020 pending before the Ld. Judicial Magistrate 1st Class, Court No.1, Agartala, West Tripura.

[5] On the other hand, Mr. S. Lodh, learned counsel appearing for the respondents has contended before this court that the impugned Order dated 06.06.2022 passed in PRC (SP) 445 of 2020 is just and proper and need no interference from this Court and hence the petition may be dismissed. He further relied on Section 473 of the Cr.PC for taking cognizance of the offence by the petitioner.

[6] For ready reference, it is apposite to extract Section 468 of Cr.P.C herein below:

“468. Bar to taking cognizance after lapse of the period of limitation.-

(1) Except as otherwise provided elsewhere in this Code, no Court, shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.”

[7] Having heard the learned counsel for the parties and also perusing the record, this court finds that since period of limitation in terms of Section 468 of Cr.PC has been lapsed, no cognizance can be taken upon the petitioner. In so far as Section 473 of Cr.P.C is concerned, it allows a court to take cognizance of an offense after the expiry of the period of limitation, if is satisfied on the facts and in the circumstances of the case that the delay has been properly explained.

[8] In view of the above discussion, the instant criminal petition stands allowed and disposed of. The impugned Order dated 06.06.2022 passed in PRC (SP) 445 of 2020. is set aside.



JUDGE

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