

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1434 of 2013**

Arising Out of PS.Case No. -15 Year- 2009 Thana -KACHHAWA District- -

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Dinesh Kumar Upadhayay, Son of Janadan Upadhayay, Resident of Village Magraon, P.S. Kachhawa, District Rohtas (Sasaram).

.... .... Petitioner

Versus

1. The State of Bihar.
2. Ramdeo Ram, Son of Late Sita Ram, Resident of Village Mangaraon, P.S. Kachhawa, P.O. Magaraon, District Rohtas (Sasaram).

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Shri Ashok Kumar Pandey, Advocate  
For the State : Shri B.Ram, APP

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**CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA**  
**ORAL ORDER**

4      04-05-2015                      Solitary ground on which the notice was issued by a Bench of the Court on 14.02.2013 was that the order taking cognizance dated 21.05.2012 was barred by the period of limitation as prescribed under Section 468 Cr.P.C.

None appears to press the petition.

I have perused the order taking cognizance dated 21.05.2012 passed by the learned Judicial Magistrate, 1<sup>st</sup> Class, Bikramganj, Rohtas in Complaint Petition No. 39 of 2011. The court had taken cognizance only of offences under Sections 323 and 504/34 of the Indian Penal Code. The date of occurrence was 04.02.2009 and the order of cognizance had been passed on the petition of complaint noted above. Definitely the period of limitation as prescribed under Section 468 Cr.P.C. had intervened

as the order of cognizance was passed on 21.05.2012 in respect of offences under Sections 323 and 504/34 of the Indian Penal Code which offences had allegedly been committed on 04.02.2009.

The petition succeeds and the same is allowed. The order taking cognizance and, as such, the prosecution initiated against the petitioner is hereby quashed.

**(Dharnidhar Jha, J.)**

Sanjay/-

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