

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50982 of 2012

- =====
1. Ram Autar Tiwari son of Late Chhedi Tiwari, resident of Village- Bhabua Ward No. 2, P.S. Bhabua, Dist- Kaimur.
 2. Md. Abbas son of Phateh Mohammad, resident of Bhabua Ward No. 8 (Left side of Masjid Road) P.S. Bhabua, Dist- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.
For the OP No. 2 : Mr. Vinay Kirti Singh, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-08-2015

Heard learned counsel for the petitioners, learned APP
for the State, and learned counsel for the Opposite Party No. 2.

2. The present petition has been filed for quashing the
order dated 18.04.2012 passed by learned Special Judge (Electricity)
Magadh Area, Gaya in connection with Bhabua P.S. Case No. 352 of
2002 by which the learned Special Judge has taken cognizance of
offences under Section 379 of the Indian Penal Code and 39/44 of
Electricity Act.

3. It is submitted that the alleged occurrence relates to
the year 2002 for which cognizance has been taken as late as in the
year 2012 which on the face of it is barred by limitation in terms of
Section 468 of the Cr. P.C.

4. Learned counsel for the opposite party no. 2 fairly concedes that there appears to be considerable delay in submission of chargesheet resulting in the delay in taking cognizance.

5. Having regard to the entirety and the facts and circumstance of the case, the impugned order dated 18.04.2012 passed in Bhabua P.S. Case No. 352 of 2002 is hereby quashed as regards the present petitioners only and the petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

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