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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3701 OF 2006**

Pramodkumar D. Pramanik and Ors. ... Applicants

Versus

The Regional Passport Officer and Ors. ... Opponents

Mr. Rajendra Shirodkar along with Mr. Archit Sakhalkar, Mr. Ninav Ghag for the Applicants.

Mr. H.S. Venegaonkar, A.P.P. for respondent no. 1/CBI.

Smt. V.S. Mhaispurkar, A.P.P. for respondent no.2/State.

**CORAM : M.L. TAHALIYANI, J.
DATED : MARCH 19, 2015**

P.C.

Heard Mr. Shirodkar learned counsel for the applicants and Mr. Venegaonkar, learned A.P.P. for respondent no.1.

2. Respondent no.1 (Passport Officer) had filed complaint against the applicants (Police Officers) for the offence punishable under section 182 of the Indian Penal Code. Respondent no.1 was working as Regional Passport Officer, Worli, Mumbai. The allegation against the applicants was that they had furnished incorrect information to the public servant in as much

as they had submitted a report to the Regional Passport Office that there was nothing wrong in the address of one Aminabi Kaskar. However, later on it was found that the address was not complete. The report given by the J.J. Marg Police Station to SB-II, C.I.D., Mumbai clearly indicated that the particulars furnished by Aminabi Kaskar was incomplete. Despite that SB-II officers, particularly applicants herein, issued verification report to the Regional Passport Officer, Mumbai that there was nothing wrong in the particulars and other details furnished by Aminabi Kaskar.

3. The issue raised before this court is with regard to the limitation within which the Magistrate could have taken cognizance of the offence. The Magistrate had issued process on 17th September, 2003. Admittedly, the Regional Passport Office came to know about the alleged wrong information given by the applicants on 6th June, 1995. As such the complaint was hopelessly beyond the period of limitation. The limitation period for filing the complaint for the offence punishable under section 182 of the Indian Penal Code is one year and the punishment for the said offence is six months. It is obvious that the learned Magistrate could not have issued process without there being an application for condonation of delay and without there being an order for condoning the delay. The process therefore, need to be quashed. Hence, I pass the following order :

ORDER

Criminal Case pending against the applicants in the court of Metropolitan Magistrate, 19th Court, Esplanade vide Case No. 302/S/2003 shall stand quashed. The bail bonds if any of the applicants shall stand cancelled.

(JUDGE)