

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Crl.MC.No. 3143 of 2015

FIR NO. 1672/2011 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :

**RENJITH,
S/O.BHASI, MADATHIL VEEDU, PAVOORKONAM, VELLAMKOLLY,
DARSANAVATTOM DESOM, NAGARoor VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR.
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. CIRCLE INSPECTOR OF POLICE,
CIRCLE OFFICE ATTINGAL, THIRUVANANTHAPURAM-695 001.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE-A1: THE TRUE COPY OF FIR NO.1672/11 OF ATTINGAL POLICE STATION.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3143 of 2015

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Dated this the 23rd day of June, 2015

ORDER

The prayer in this Crl.M.C. is as follows:

“..... to quash the Annexure A1 and allow this Crl.M.C. in the interest of justice.”

2. The main contention of the petitioner is that the period of limitation engrafted in the statutory provisions contained in Sec.468(2) of the Code of Criminal Procedure is three years for the offence like one at hand. On this basis it is argued by the learned counsel for the petitioner that the date of occurrence of the offence in question is 11.11.2011 even going by the prosecution case and that the maximum punishment envisaged for the offence in question stipulated in the provisions of Sec.21 of the Mines and Minerals (Development & Regulation) Act is upto two years and therefore the period of limitation that is mandated under Sec.468(2) is a period of three years. That three year period has elapsed as early as on 11.11.2014 and therefore this Court, in exercise of its inherent powers conferred under Sec.482 of the Code of Criminal

Procedure, may interdict the impugned criminal proceedings on the ground of violation of law of limitation envisaged in the Code.

3. However, it is pointed out by the learned Public Prosecutor that notwithstanding the provisions contained in Sec.468 of the Code, the Legislature has wisely engrafted the provisions contained in Sec.473 of the Code, which confers a power on the court to condone delay in suitable cases. Be that as it may, the learned Public Prosecutor would fairly submit that the investigation has now been completed and the prosecution agency has decided to drop all further action in respect of this case.

4. The above said submission made by the learned Public Prosecutor is recorded. Accordingly, in order to give a quietus to the entire case, it is ordered in the interest of justice that all the proceedings in respect of the impugned proceedings will stand quashed.

With these observations and directions, the Crl.M.C. stands finally disposed of.

sd/+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.3143/15

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