

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No. 13229 of 2013

ORDER :

The petitioner is sole accused of C.C. No.375 of 2009 on the file of IX Additional Chief Metropolitan Magistrate, Hyderabad registered for the offence under Sections 468 and 471 I.P.C. The 1st respondent is the defacto-complainant of Crime No.228 of 2008 of Chikkadapally Police Station where from after investigation police filed the final report that was taken cognizance for the offences supra. Undisputedly these are the receipts filed with plaint as enclosures 1 to 17 way back in 1994 and the defendants' written statement who is the defacto-complainant herein was dated 02.09.1996, it cannot be said that he has no knowledge thereafter atleast to the private complaint filed on 16.07.2007 that was referred to police for investigation of even date by the learned Magistrate under Section 156(3) Cr.P.C in registering the crime by police supra on 10.05.2008 when received to say nearly 11 years after the said written statement. It is suffice to say so far as offence under Section 471 I.P.C concerned, the same is barred by limitation from its reading under Section 468 Cr.P.C but for the offence under Section 468 I.P.C for no limitation applies as it is punishable upto seven years with fine, the contention of there is a delay, such delay entitles acquittal

of the accused is left open to raise before the trial Court and premature for this Court to consider.

2) Hence, subject to that, the petition is partly allowed by quashing the offence under Section 471 I.P.C and but not under Section 468 I.P.C and raise all defences before the trial Court by facing trial for the offence punishable under Section 468 I.P.C besides to say from the age of the petitioner and from the request the trial Court in the event of filing application under Section 205 Cr.P.C and after hearing permit with necessary conditions to appear through special vakalat holder subject to condition of personal appearance as and when required.

3) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

07.01.2016
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