

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21655 of 2014

Arising Out of PS.Case No. -95 Year- 2001 Thana -MANIHARI District- MUZAFFARPUR

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Pawitra Rai Son of Sri Mahabir Rai resident of village - Bishunpur Giddha,
P.O. Susta Ramna, Police Station - Maniyari, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan (App)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-06-2017 Heard learned counsel for the parties.

In the F.I.R. it is alleged that upon information police party had conducted a search and recovered arms and ammunition (six articles altogether) from the house of the accused.

The petitioner disputes the same and he denies the ownership of the same and having knowledge of the same. The other submission of the petitioner is that the cognizance has been taken belatedly on 22.04.2013 and the same would be barred under Section 468 of Cr.P.C.

While exercising jurisdiction under Section 482 of Cr.P.C. this Court cannot go into the factual aspect regarding denial of the accused of the possession and ownership of the incriminating articles recovered under the Arms Act.



Limitation for taking cognizance provided under Section 468 Cr.P.C. is for the offence punishable up to 3 years. Sub Section 2 (c) of 468 provides as follows:-

“468(2)(c):-The period of limitation shall be three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.”

“Not exceeding three years” has been clearly mentioned in this provision. The offence under which the prosecution in question is pending in the court below are punishable with punishment up to seven years. Thus, it is clearly not covered under Section 468 of Cr.P.

This Court does not find any reason to interfere with the proceeding for a reasons stated hereinabove.

This petition is dismissed.

(Madhuresh Prasad, J)

AnilKrSinha/-

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