

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39553 of 2014

Arising Out of PS.Case No. -166 Year- 2013 Thana -MADHEPUR District- MADHUBANI

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1. Kanti Devi @ Kunti Devi Wife of Sri Dheeraj Barnwal
 2. Dheeraj Barnwal Son of Late Jai Shankar Prasad Barnwal
 3. Neeraj Barnwal Son of Late Jai Shankar Prasad Barnwal
 4. Pankaj Barnwal Son of Late Jai Shankar Prasad Barnwal
 5. Veena Devi Wife of Late Jai Shankar Prasad Barnwal
 6. Divya Bharti Wife of Sri Pankaj Barnwal
 7. Manoj Kumar Barnwal, Manoj Kumar Prasad, Son of Late Sukhdeo Sah
 8. Ashok Mandal Son of Late Ram Bilash Mandal All no. 1 to 8 resident of village - Madhepur, P.S. - Madhepur, District- Madhubani.
 9. Monu Kumar Son of Sri Indradeo Prasad Resident of Village - Jhanjharpur, P.S. - Jhanjharpur, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ranjita Devi Wife of sri Shiv Kant Mishra Resident of Village - Madhepur, P.S. - Madhepur, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar,
Dr. M.K. Gautam
Mr. R.N.Rai, Advocates
For the Opposite Party/s : Mr. Navin Kr. Pandey (APP)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER**

7 25-08-2017 Heard learned counsel for the petitioners and the State.

Counsel for the petitioner submits that the order of cognizance is barred under Section 468 of the Code of Criminal Procedure. He submits that for the offences under Section 498 the maximum punishment is 2 years and under Section 468 Cr.P.C. there is bar in the order taking cognizance after three years for the



offences punishable not exceeding three years.

The alleged occurrence is dated 19.6.2010 whereas the order taking cognizance is dated 14.7.2014 which is apparently after the expiry of three years and as such the order taking cognizance is barred by limitation under Section 468 Cr.P.C.

Accordingly, the order taking cognizance dated 14.7.2014 is hereby quashed and the application stands allowed.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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