

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
CRIMINAL REVISION CASE No.298 of 2004

ORDER:

This Criminal Revision, under Sections 397 and 401 Cr.P.C., is filed questioning the propriety and legality of the Order dt.07.06.2002 in Criminal Revision Petition No.12 of 2002 passed by the Metropolitan Sessions Judge, Vijayawada, reversing the Order Dt.09.01.2002 in CrI.M.P.No.2197 of 2001 passed by V Metropolitan Magistrate, Vijayawada, holding that taking cognizance of the offence is barred by limitation.

The petitioner filed STC No.50 of 2000 for the offence punishable under Section 27 of Stamp Act, based on inspection dt.09.06.2000, during which, the Inspector of Stamps detected the offence committed by the respondents. The punishment prescribed for the offence is only fine of Rs.500/-. Therefore, the offence punishable under Sections 64 and 70(1) r/w 27 of Indian Stamps Act is only non-cognizable offence, but the complaint was filed on 12.12.2000 i.e., beyond six months. Thus, there is delay of 3 days in filing complaint before the Magistrate having jurisdiction over the area and thereby taking cognizance of the offence is barred by limitation.

Before the trial Court, it was contended that according to Section 468 Cr.P.C., except as otherwise provided elsewhere in this code, no court, shall take cognizance of an offence of the category specified in sub section (2), after the expiry of the period of limitation. The period of limitation shall be six months, if the offence is punishable with fine only. Therefore, the limitation shall began to run from the date when the commission of offence was detected i.e., on 09.06.2000, but the complaint was filed beyond six months. Even

according to the Judgment, once the limitation has begun to run, it runs its full course, as held by the Apex Court in *Venkappa Gurappa Hosur v. Kasawwa*¹.

Section 469 Cr.P.C deals with commencement of the period of limitation. According to Clause (a) of Section 469 Cr.P.C., it begins on the date of the offence. The limitation shall commence on the date of offence or where the commission of offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier or whether it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.

In computing the said period, the day from which such period is to be excluded. Even if Clause (2) of Section 469 Cr.P.C., is applied, the day i.e., 9.06.2000 shall be excluded in computing the limitation. However, still it is beyond limitation.

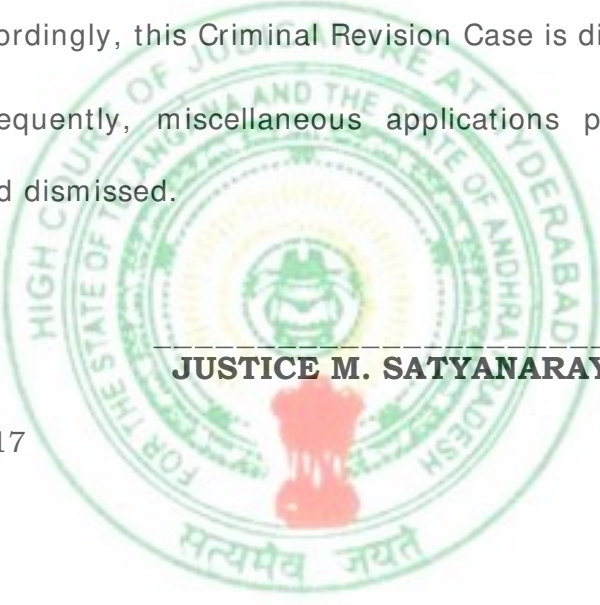
It is a fact that the offence allegedly committed by the petitioner is not a continuing offence as defined under Section 483 Cr.P.C. Therefore, the limitation prescribed for taking the cognizance was expired by 9.12.2000, but the complaint was filed on 12.12.2000, which is beyond six months, and no petition under Section 473 Cr.P.C., for extension of limitation was filed. Therefore, in the absence of any application under Section 473 Cr.P.C., and in view of Section 468 and 469 Cr.P.C., the limitation for the offence punishable under Sections 64 and 70(1) r/w 27 of Indian Stamps Act has already

¹ (1997) 4 Supreme 217

commenced on 09.6.2000 and even if the date of detection of commission of offence is excluded, still it is beyond limitation. Therefore, the Order passed by the District and Sessions Judge is in consonance with the provisions of the Code of Criminal Procedure and the Order does not call for any interference of this Court while exercising jurisdiction under Sections 397 and 401 Cr.P.C. Hence, I find no ground to reverse or set aside the Order dt.07.06.2002 in Criminal Revision Petition No.12 of 2002 passed by the Metropolitan Sessions Judge, Vijayawada. Consequently, this Revision is liable to be dismissed.

Accordingly, this Criminal Revision Case is dismissed.

Consequently, miscellaneous applications pending, if any, shall also stand dismissed.



JUSTICE M. SATYANARAYANA MURTHY

Date:03.10.2017
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.R.C. No.298 of 2004
Dt. 03-10-2017

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