

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE NO.3267 OF 2016

ORDER:

Heard both sides and perused the material on record.

2) The only question involved in the impugned order of the lower Court is for the Criminal Complaint (CC SR No.935 of 2016) filed for the offence punishable under Section 500 IPC besides the offences punishable under Sections 406 and 420 IPC, whether any limitation commences from the date of filing complaint contending so-called defamatory allegations or from the date of acquittal, as the case may be. The Apex Court in *Surinder Mohan Vikal vs Ascharj Lal Chopra*¹ held that the limitation commences from the date of complaint and not from the date of his acquittal. Once such is the case, the complaint is within the period of limitation and the order of the trial Court in saying that the complaint is not maintainable, thereby is unsustainable.

3) Accordingly, the revision is allowed while setting aside the order dated 27.09.2016 in C.C. (SR) No.935 of 2016 of the II Metropolitan Magistrate, Ranga Reddy District at L.B Nagar, by restoring the Complaint Case before the trial Court with a direction to number the complaint, if otherwise in order and enquire in accordance with law.

4) Miscellaneous petitions, if any, pending in this revision shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:06.02.2017

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¹ 1978 CriL. L. J 764

