

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6639 OF 2017

ORDER:

The petitioner is the sole accused of C.C.No.1180 of 2016 on the file of the Judicial First Class Magistrate (Excise and Prohibition), Nalgonda, where the learned Magistrate has taken cognizance for the offence punishable under Section 419 I.P.C., which is registered from the police final report of Crime No.352 of 2014. It is based on the private complaint of the 2nd respondent/de facto complainant of October, 2014 with allegations that the petitioner/accused impersonated the previous Bishop by affixing his photo in registering the document on gift in 2006 and another transaction of sale in 2008. Notice sent to the 2nd respondent returned as left, thereby, held sufficient service.

Heard learned counsel for the petitioner and learned Public Prosecutor for the State and taken as heard the de facto complainant and perused the grounds urged in the quash petition, F.I.R., statements of the witnesses, more particularly part-II Case Diary and the private complaint averments and the police final report.

Leave about the other contentions and the offence punishable under Section 419 I.P.C. that was charged and taken cognizance. Even from the very complaint, the two sales are of the years 2006 and 2008, where the accused impersonated previous Bishop, there is a clear bar of limitation of three years under Article 468 Cr.P.C. to sustain the prosecution that was missed consideration in taking cognizance by the learned Magistrate, thereby, the same is unsustainable, though, it is also one of the contentions that the delayed investigation and proceedings also liable to be quashed.

Having regard to the above, as the claim is simultaneously barred by the time the complaint filed leave about by the time cognizance taken, the proceedings will no way survive ultimately to end in conviction even on the sale covered barred by limitation. Hence continuation of proceedings is nothing but abuse of process of law.

Accordingly, the Criminal Petition is allowed quashing the proceedings in C.C.No.1180 of 2016 on the file of the Judicial First Class Magistrate (Excise and Prohibition), Nalgonda, and bail bonds of the accused shall stand cancelled.

Miscellaneous petitions pending if any, shall stand closed.

Date: 07-09-2017

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Dr. B. SIVA SANKARA RAO, J

