

SMT. JUSTICE T.RAJANI

Criminal Petition No.9824 of 2011

ORDER:

This petition is filed by the petitioner, accused, seeking to quash the proceedings in C.C. No.236 of 2008 on the file of the Judicial First Class Magistrate, Penukonda. The offence alleged is under Sections 447 and 434 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material placed on record.

The learned counsel for the petitioner seeks to quash the proceedings only on one ground i.e. that the Court below has taken cognizance of the case beyond limitation period. He submits that for the offence under Section 447 sentence of imprisonment is for a period of three months or fine of Rs.500/- or both, and for the offence under Section 434 it is imprisonment for one year or fine or both. He submits that, in the instant case, the FIR is registered on 27.12.2005 and the charge sheet is filed on 29.04.2008, which is beyond the period of limitation. Hence, on the face of the record, the cognizance seems to have been taken beyond the period of limitation.

In view of the above, continuation of further proceedings against the petitioner would be an abuse of process of law.

With the above observations, this Criminal Petition is allowed and the proceedings in C.C. No.236 of 2008 on the file of the Judicial First Class Magistrate, Penukonda are hereby quashed.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE T. RAJANI

Date: 05.10.2018
LSK

