

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2008 OF 2014

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-accused to quash the proceedings in S.T.C.No.775 of 2009 on the file of the I Additional Judicial Magistrate of First Class, Khammam.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the accident took place on 30.10.2007 but the complaint was registered on 27.08.2009. It is contended that since the gap between the two dates is more than two years, taking cognizance of the impugned proceedings is barred under Section 468 Cr.P.C., and hence, continuation of the impugned proceedings is nothing but abuse of process of Court.

4. A perusal of the material available on record shows that the accident said to have occurred in M/s. Siva Granites, Prakash Nagar, Khammam district on 30.10.2007 and the statement of the informant Dhansingh, which set the law into motion, was recorded by the Inspector of Factories, Khammam on 01.11.2007. No doubt, after completion of formalities, the complaint was filed before the Magistrate concerned on 27.08.2009. It is settled law that for reckoning the period of limitation under Section 468 Cr.P.C. for taking cognizance, it is not the date of taking cognizance by the Magistrate, but the date of lodging report is relevant. In the case on hand, the alleged accident occurred on 30.10.2007

and the statement of the informant was recorded on 01.11.2007, which set the law into motion. Hence, the contention of the learned counsel for the petitioner is unsustainable. As seen from the material on record, a *prima facie* case for the offences alleged is made out against the petitioner-accused. Hence, there are no grounds to quash the impugned proceedings. The Criminal Petition is devoid of merits and is liable to be dismissed.

5. The Criminal Petition is, accordingly, dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

DATED: 22-01-2018
DRK

DR. SHAMEEM AKTHER, J



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22.1.2018