

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

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CRM-M-32405-2017

Date of decision : 01.08.2018

THAKUR DASS

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Monita Mehta, Advocate for the petitioner.

Mr. Hiten Nehra, Addl. AG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition under Section 482 of the Code of Criminal Procedure (in short – Cr.P.C.) has been filed for quashing of FIR No.157 dated 24.07.2013 registered under Sections 61/1/14 of the Punjab Excise Act (for short - the Act), at Police Station Kapurthala City (Annexure P-1).

The sole ground taken in the petition for quashing is that the Magistrate had taken cognizance of the offence after the prescribed period of one year, although there was not even an application for condonation of delay. But still, this cognizance was taken without authority despite the fact that the same is prohibited by Section 75(2) of the Act.

reached the stage of final decision, therefore, she be permitted to withdraw the present petition with liberty to raise this point before the trial Court.

Dismissed as withdrawn.

However, the petitioner shall be fully entitled to raise the question of authority of Magistrate to take cognizance of the offence; after the period of limitation as prescribed under the Act, as interpreted by the judgments of this Court, which are being relied upon by the petitioner in the present petition.

(RAJBIR SEHRAWAT)
JUDGE

01.08.2018

SV

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No