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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.5055 OF 2022

S.A.Johnson

... Petitioner/Accused

.Vs.

The State Rep. by
The Inspector of Police,
S-14, Peerkankaranai Police Station,
Chennai.

... Respondent/Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for records in C.C.No.34 of 2022 on the file of the Judicial Magistrate Court, Tambaram, Chennai as against the petitioner for offences u/s.8(c) r/w. 20(b)(ii)A of NDPS Act and 506(i) I.P.C. and quash the proceedings as against the petitioner.

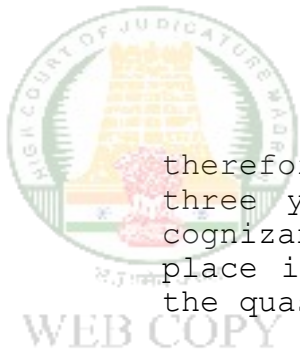
For Petitioner : Mr.G.R.Hari

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1

ORDER

This Criminal Original Petition has been filed under Section 482 of Code of Criminal Procedure, to quash the final report filed in C.C.No.34 of 2022 on the file of the Judicial Magistrate Court, Tambaram, Chennai as against the petitioner for offences u/s.8(c) r/w. 20(b)(ii)A of NDPS Act and 506(i) I.P.C as against the petitioner.

2. The accused has been charged for the illegal possession of 400 grams of Ganja and he was also causing threat. The main ground on which the quashing of final report sought is that for the said offence the punishment is for only one year and



therefore cognizance ought to have been taken within a period of three years. Whereas, the learned counsel contended that the cognizance was taken only on 25.01.2022 for the occurrence took place in the year 2018, therefore, on the ground of limitation, the quashing of final report is sought.

3. At the outset, I am unable to agree with the submissions of the learned counsel for the petitioner. The alleged occurrence took place in the year 2018. Even the contention of the learned counsel for the petitioner is accepted that the final report ought to have been filed within a period of three years and according to the learned counsel which falls in the year 2021, but, due to the pandemic situation, the limitation is extended by the Hon'ble Apex Court in Misc.Appl.No.29 of 2022 in Misc.Appl.No.665 of 2021 in Suo motu W.P.No.3 of 2020 and the limitation was extended for filing final report is extended from 15.03.2021 till 20.04.2022.

4. Be that as it may, even assuming that the extension period may not be applicable to the criminal cases for filing final report etc. it is relevant to note that even after the expiry of the period as contemplated u/s.468 of Cr.P.C, the Courts are not powerless to take cognizance on case to case basis. The Court even after the expiry can take cognizance as per Section 473 Cr.P.C.

5. In such view of the provisions u/s.473 Cr.P.C. the Court can also take cognizance even after the expiry of the limitation period. Therefore, this Court is of the view that the ground on which the quashment of final report sought is not maintainable in the eye of law.

6. This Criminal Original Petition stands dismissed accordingly.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Tambaram.



2. -Do Through The Chief Judicial Magistrate,
Kancheepuram.

3. The Inspector of Police,
S-14, Peerkankaranai Police Station,
Chennai.

4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+2ccs to Mr.G.R.Hari, Advocate, S.R.No.38744

CRL.O.P.NO.5055 OF 2022

SMI (CO)
PBS/05/07/2022