

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL REVISION CASE No.232 of 2008

ORDER:-

This Criminal Revision Case is directed against the order of the learned IV Metropolitan Magistrate, Hyderabad, in CrI.M.P.No.204 of 2007 in C.C.No.37 of 2007, dated 30.11.2007, wherein the learned Magistrate, dismissed the complaint against the Respondent Nos.1 and 2 / Accused Nos.1 and 2 for the offence under Section 500 of I.P.C. and allowed the CrI.M.P.No.204 of 2007.

2. It is the case of the petitioner / complainant is an employee in A.P.S.R.T.C., Barkathpura Depot. The Respondent Nos.1 and 2 are relatives of the petitioner / complainant. Admittedly, there is a civil dispute between the Respondent Nos.1 and 2/Accused Nos.1 and 2 and one Mr.G.David Paul who is the brother in law of Respondent No.2/Accused No.2 with the petitioner/complainant. On 16.06.2000, a letter was addressed to Mr.Premchand Rathoor, MLA of Maharajgunj constituency signed by the Respondent No.1 / Accused No.1 at the instigation of Respondent No.2/Accused No.2 against the petitioner / complainant. In the said letter, Respondent Nos.1 and 2 / Accused Nos.1 and 2 deliberately made imputation which were

intended to harm the reputation of the petitioner/complainant. In the said letter, it was mentioned that the petitioner/complainant had illicit relationship with number of police officials in past and at present, she has close intimacy and illicit contact with Sri B.O. Manmohan, DSP. In the said letter it was mentioned that the petitioner is a notorious and nasty woman and a debuch lady. In the said letter, it was mentioned that the copies were submitted to ACP, Badechowdy, Additional DGP, Law and Order, Depot Manager, APSRTC, Barkatpura, DSP CCS, Police Control Room. The imputations made by the Respondent Nos.1 and 2/Accused Nos.1 and 2 caused harm to the reputation of the petitioner/complainant. The copies of the said letter were circulated in the area of WeselyBagh, Kandaswamy lane, Hyderabad. Hence, the petitioner/complainant prayed to take cognizances of the case and punish the accused as per law.

3. The Respondents/accused Nos.1 and 2 were examined under Section 251 of Cr.P.C. on 10.07.2003 wherein they pleaded not guilty. P.W.1 was examined in chief and no documents were marked.

4. On a perusal of the entire evidence, both oral and documentary, the trial Court dismissed the complaint against the Respondent Nos.1 and 2/accused Nos.1 and 2 for the offence under Section 500 of I.P.C. and allowed the CrI.M.P.No.204 of 2007 in C.C.No.37 of 2007 on the file of IV Metropolitan Magistrate, Hyderabad. Aggrieved by the same, the petitioner/complainant preferred this criminal revision.

5. Heard Sri C.Sharan Reddy, learned counsel for the petitioner. The notices sent to the Respondent Nos.1 and 2 / Accused Nos.1 and 2 returned with an endorsement "addressee left". Therefore, service of notices on respondent Nos.1 and 2 / accused Nos.1 and 2 deemed to have been served.

6. The learned counsel for the petitioner would contend that the order of the trial Court is illegal, improper and incorrect and the Trial Court failed to see that there is no provision which permits the Court to dismiss the complaint after cognizance is taken. He further submits that the Trial Court failed to see that the offence under Section 500 of IPC is tried as a summons case, as such question of discharge does not arise in a summons case.

He further contend that the trial Court erred in holding that the complaint is barred by limitation and the Trial Court should have seen that the complaint was filed on 07.06.2002 and sworn statement was recorded on 03.07.2002 i.e. within two years from 16.06.2000 date of offence and since the offence under Section 500 of IPC is punishable with two years, the limitation for filing complaint under Section 468(3) Cr.P.C. is 3 years and the Trial Court ought to have noticed that the complaint was filed within time and question of delay by PW.1 for marking of documents does not arise as all the documents are in Court. In support of his contention, the learned counsel for the petitioner relied on a decision of Apex Court in **“Amritlal Vs. Shantilal Soni & Others”**¹. It was observed as follows:-

“51. In view of the above, we hold that for the purpose of computing the period of limitation under Section 468 Cr.P.C. the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance.”

¹ 2022 LiveLaw (SC) 248

7. A perusal of the material available on record would show that this Court does not admit of any doubt that for the purpose of computing the period of limitation under Section 468 of Cr.P.C., the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance of the offence. The Trial Court has made a fundamental error in assuming that the petitioner/complainant filed complaint on 07.06.2002 well within the period of limitation of 3 years with reference to the date of commission of offence i.e. 16.06.2000.

8. Having regard to the fact, that the date of offence was 16.06.2000 and the complaint was filed on 07.06.2002 which is well within the period of Limitation as prescribed under Section 468 of Cr.P.C. and also having regard to the principle laid down in **“Amritlal Vs. Shantilal Soni & Others”**². This Court is of the considered view that the trial Court erred in allowing the Crl.M.P.No.204 of 2007 in C.C.No.37 of 2007, dated 30.11.2007.

² 2022 LiveLaw (SC) 248

9. The Criminal Revision Case is accordingly allowed. The impugned order in Crl.M.P.No.204 of 2007 in C.C.No.37 of 2007, dated 30.11.2007 passed by the learned IV Metropolitan Magistrate, Hyderabad is hereby set aside. The Trial Court shall now proceed with the trial expeditiously.

Miscellaneous applications, if any pending, shall stand closed.

14th September, 2022
Ksk

JUVVADI SRIDEVI, J