

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54928 of 2015

Arising Out of PS. Case No.-205 Year-2012 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Md. Asraful Son of Kalimuddin resident of Village- Rautara, Police Station Rautara, district Katihar.
 2. Mira Singh@Meera Singh wife of Dhirendra Kumar Singh Resident of Mohalla Pal Market , Indira Nagar-Laliyahi, Police Station and District Katihar.
 3. Sudha kumari wife of Jitendra Singh of Mohalla Railway Quarter no, 717 F O.T, Para Katihar, Police Station and District Katihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Suresh Prasad Mandal son of Late Ramkishan Mandal resident of Village Diwanganj, Post office-Rautara, Police station Purnia Muffasil District Purnia.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Nand Poddar
For the Opposite Party/s	:	None
For the State	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioners and the State. None appears on behalf of the opposite party no. 2.

This application is filed for quashing the order dated 23.07.2013 by which learned Judicial Magistrate, 1st Class, Katihar has directed to issue summons to the petitioners in Complaint Case No. 205/2012 for the offence registered under Sections 417/34 of the Indian Penal Code.

As per prosecution, a piece of land was acquired by the complainant through Red Card in the year 1976 and for the same land on 29.03.2001 co-accused Usha Sharma executed on



power of attorney for executing sale deed of the land in favour of the petitioner no. 1 Md Ashraful and on the basis of said power of Attorney the petitioner no. 1 Md. Ashraful executed two sale deed on 02.08.2011 and 03.08.2011 in favour of petitioners no. 2 and 3. Therefore, opposite party no. 2 has filed a Complaint Case No. 205/2012 against the petitioners and one another co-accused Smt. Usha Sharma for the offence alleged under sections 468, 420 and 120 B of the Indian Penal Code.

It seems that learned counsel for the opposite party no. 2 has lost interest in the case because the cognizance order is barred by limitation. It is the case of the petitioner that the cognizance has been taken under Sections 417/34 of the Indian Penal Code on 23.07.2013 and is barred by limitation. Cognizance ought to have taken within a years.

With the aforesaid circumstances, this application is allowed.

The order dated 23.07.2013 passed in Complaint Case No. 205/2012 is hereby quashed with respect to the petitioners.

(Sandeep Kumar, J)

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