

09.07.2025
rc/ct.no.02
Item No.107

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

CRR No.244 of 2025

**In the matter of : Amal Saha @ Amal Krishna Saha
.....Petitioner**

Mr. Anirban Banerjee ...for the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas ...for the State

Heard learned counsels for the parties.

The petitioner seeks quashing of the proceedings of the G.R.Case No. 2205 of 2010 pending before the learned Chief Judicial Magistrate, Alipurduar primarily on the ground that cognizance taken by the Magistrate is barred under Section 468 of the Code of Criminal Procedure.

It appears that the alleged incident occurred on November 04, 2010. Charge sheet was submitted on May 31, 2014, i.e., more than three years after the incident. Cognizance was taken by the learned Magistrate on May 29, 2024, i.e., about 14 years therefrom.

It shall be useful to set out Section 468 of the Code of Criminal Procedure.

“468. Bar to taking cognizance after lapse of the period of limitation,- (1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an

offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be –

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years;

(3) For the purpose of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.”

In view of the above, this Court is inclined to hold that the cognizance taken beyond the statutory period of time is bad in law.

As a consequence, the proceedings being G.R.Case No. 2205 of 2010 pending before the learned Chief Judicial Magistrate, Alipurduar be quashed.

The petitioner be set at liberty at once and discharged from his bail bond.

Since no affidavit has been called for, the allegations made in the revisional application are deemed not to have been admitted by the opposite party.

There will be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)