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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2693/2021

PROF. AMARJEET KAURPetitioner

Through: In person with Ms. Meenakshi
Mohan, Advocate

Versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Shoaib Haider, Additional
Public Prosecutor for Respondent-
State with SI Puja Saini

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
07.01.2025

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1. The present Miscellaneous Petition under Section 482 of Code of Criminal Procedure, 1973 (*henceforth referred to as the 'Cr.P.C.'*) has been filed against the Order dated 30.07.2021 passed by the learned Principal District and Session Judge, whereby the Charges under Sections 323/341/353/427/506 (Part-I) of Indian Penal Code, 1860 (*henceforth referred to as the 'IPC'*) have been framed against the Petitioner.
2. *The grounds of challenge is* that all the offences under which the Charge has been framed have a sentence of less than three years. Section 468 Cr.P.C. mandates that the limitation for filing the Charge Sheet in such cases, is three years. The FIR No.105/2011 was registered on 16.05.2011 and the Charge Sheet has been filed on 25.07.2016, which is



way beyond the period of limitation.

3. It is further submitted by learned counsel for the Petitioner that even though the learned Metropolitan Magistrate had directed framing of Charges *vide* Order dated 17.07.2018 and the Revision Petition preferred against the same before the learned Court of Sessions, had been dismissed *vide* Order dated 10.02.2021, but there-being a legal bar to taking of cognizance on a Charge Sheet filed beyond the period of limitation, the proceedings before the learned Trial Court are liable to be quashed.

4. Learned Additional Public Prosecutor for Respondent-State submits that appropriate orders may be passed in accordance with law.

5. **Submissions heard.**

6. The provision of Section 468 Cr.P.C. reads as under:-

“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 purposes 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.] [Inserted by Act of 1978, Section 33 (w.e.f. 18-12-1978).].”

7. The Charges against the Petitioner *vide* Order dated 17.07.2018 have been directed to be framed under Sections 323/341/353/427/506 (Part-I) of IPC and the maximum sentence for all these Sections is less than three years.
8. In terms of Section 468 of Cr.P.C., the Charge Sheet should have been filed within three years or else the Charge Sheet should have been supported with an Application for condonation of delay in filing the Charge Sheet. However, neither any condonation was sought by the Prosecution nor was the Charge Sheet filed within the mandated period of limitation.
9. Therefore, the cognizance itself taken on the Charge Sheet is bad under the law.
10. Consequentially, the Order dated 17.07.2018 passed by the learned Metropolitan Magistrate directing framing of Charge and the order dated 30.07.2021 passed by the learned Additional Session Judge, upholding this order, is hereby set aside and consequential proceedings, are hereby quashed.
11. Present Petition and pending Application, if any, are accordingly disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 07, 2025

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