

ORDER BELOW EXH.164 IN SPECIAL CASE NO.06/2013
(CNR- MHSI010003802013)

This application is filed by accused No.23 Ravindra Madhukar Rajput stating that, the charge-sheet filed by the prosecution is out of limitation and therefore, he may be discharged.

2/ The application is resisted by the prosecution by filing say at Exh.189 stating that, the charge-sheet against present applicant/accused is filed within limitation as per the provisions of section 468 of Cr.P.C.

3/ Heard Ld. Advocate Shri. Bhoite for applicant/accused and Ld. APP Shri. S.S. Sawant for State.

4/ Ld. Advocate for present applicant/accused submitted that, all the sections excluding section 420 of IPC, are punishable with less than three years punishment and, therefore, limitation to take cognizance is three years only. Hence, the present charge-sheet is out of limitation.

5/ Ld. APP Shri. Sawant submitted that, the charge-sheet is filed under section 420 of IPC along with other sections. Section 420 of IPC is punishable with seven years punishment and, therefore, there is no period of limitation under section 468 of Cr.P.C. He further submits that, Sub-section (3) of Section 468 of Cr.P.C. clarifies that 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 and, therefore, present charge-sheet is within limitation and filed for the offence punishable for more than seven years.

6/ I have gone through the charge-sheet, application and say filed by Ld. APP. I have also given thoughtful consideration to the

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submissions of both sides. I find substance in the submission of Ld. APP that, there is no period of limitation under section 468 of Cr.P.C. when there is an offence punishable with more than three years punishment prescribed and, therefore, present charge-sheet is filed within limitation. I do not find substance in the application of present applicant/accused and therefore, application deserves to be rejected. Hence, I pass the following order:-

-: ORDER :-

The application at Exh.164 for discharge of accused no.23 Ravindra Madhukar Rajput stands rejected.

Sd/-

Date : 15.11.2018.

(P.R. Kadam)
Designated Judge,
Protection of The Maharashtra
Interest Of Depositors
(In Financial Establishment)
Act,1999, Sindhudurg-Oros.