

ORDER BELOW EXH. 10 IN R.C.C. NO. 309/2022

01. This is an application by the accused No. 01 & 02 under section 239 R/w section 468 (c) of Code of Criminal Procedure. It is contended in the application that, the offence bearing crime No. 698/2022 registered on 09/07/2022. As per the allegations made in the F.I.R. the offences under section 498-A, 504 & 506 of I.P.C. are barred by limitation.

02. Learned A.P.P. strongly opposed the application by filing say.

03. Heard Learned Advocate for the accused / applicants and Learned A.P.P. for the prosecution. Perused record. I have also gone through the relevant provisions of Cr.P.C. and I.P.C.

04. The crime bearing No. 698/2022 registered against the accused for the offences punishable under section 498-A, 504 & 506 of I.P.C. The present application for discharge is sought only on the ground of delay in lodging the report to the police station. As per section 468 (c) of Cr.P.C. the period of limitation is 3 years, if the offence is punishable with imprisonment for a term exceeding 1 year, but not exceeding 3 years. As per section 469 of Cr.P.C. the period of limitation in relation to an offender shall commence -

- a- On the date of offence, or
- b- Where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer which ever is earlier, or
- c- Where it is not known by whom the offence was committed,

the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into that offence, which ever is earlier.

05. As per section 468 of Cr.P.C., the limitation is provided for taking the cognizance of offence. In the present case, the cognizance was already taken and in view of the cognizance taken by the Court, accused appeared and released on bail. Thereafter, present application came to be filed. Even after filing of the application, the charge was framed against accused.

06. On perusal of the allegations made in the F.I.R. and police report, it appears that, since the year 2013 informant residing at her matrimonial house. There are specific allegations as to commission of offence punishable under section 506(2) of I.P.C. which is punishable upto 7 years imprisonment. Thus, section 468(c) of Cr.P.C. will not help to the accused at this stage. In view of the above facts, the application is liable to be rejected. Hence order.

ORDER

1. Application is rejected.

Date: 12/08/2026

(Subhash D. Tare)
Judicial Magistrate, F.C.,
Mangrulpir.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word as per the original order.

Name of Court	:-	2 nd Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Mangrulpir, Dist. Washim.
Presiding Officer	:-	Subhash D. Tare
Judgment uploaded by	:-	R. T. Sharma (Junior Clerk)
Date of Judgment	:-	12.08.2026
Judgment/Order signed by the presiding officer on	:-	12.08.2026
Judgment/Order uploaded on	:-	12.08.2026