

Order below Exh.1

Perused the case papers. The police report in this case has been filed after a period of more than one year from the date of commission of offence. As per the charge-sheet, no previous conviction is charged against the accused. The offence under section 66(1)B and 85(1)(3) Of Gujarat Prohibition Act is punishable for the imprisonment for a term which may extend to 3 (Three) Years and fine for first conviction. Section 468 of CrPC provides that cognizance of an offence punishable for a term not extending Three year is required to be taken in Three year. As more than 4 (Four) years has passed since the date of commission of offence, the cognizance itself is barred. Looking to the facts and circumstances of the offence, there appears no reason to justify delay in filing of charge-sheet. Therefore, the following order is passed.

ORDER

Criminal Case instituted on police report is barred by limitation and the same is ordered to be dismissed. The accused is ordered to be discharged and the bail bonds given earlier stand cancelled.

The case property is ordered to be destroyed after appeal period.

Pronounced in the open Court on this 12th day of the month of November, 2022

(Dipak Jethabhai Parmar)
Addl. Chief Metro.
Magistrate
Court No. 17
Code No. GJ00879

Self