

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).4855/2005

(From the judgement and order dated 04/02/2005 in RC No.89/2005 of The HIGH COURT OF MADRAS, MADURAI BENCH)

P. ARULAPPAN Petitioner(s)

VERSUS

M. AYILSAMY & ANR. Respondent(s)

(With office report)

Date: 21/01/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. B. Balaji,Adv.
Mr. K. Muthu Ganesa Pandian,Adv.
Mr. Satya Mitra Garg,Adv.

For Respondent(s) Ms. B. Sunita Rao,Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.
Though the case was placed under the heading
"incomplete after notice matters" but both the parties
agreed that the matter should be taken up and finally
disposed of.

Leave granted.

The appeal is allowed.

[T.I. Rajput] [Usha Sharma]
A.R.-cum-P.S. Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.131 OF 2008
(Arising out of S.L.P. (Crl) No.4855/2005

P. Arulappan ...Appellant(s)

Versus

M. Ayilsamy and Anr. ...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Though the case was placed under the heading "incomplete after notice matters" but both the parties agreed that the matter should be taken up and finally disposed of.

Leave granted.

The Trial Court dismissed the complaint filed by the appellant under Section 500 of the Indian Penal Code [hereinafter referred to as 'I.P.C.'] mainly on the ground that the same was barred by limitation, which order has been confirmed by the High Court when a revision application was filed. Hence, this appeal by special leave.

In the petition of complaint, specifically it has been mentioned that the alleged defamatory letter was published on

....2/-

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12th November, 2001 and the complaint was filed on 7th October, 2004, i.e., within a period of three years. The maximum sentence that could be awarded for the offence under Section 500 I.P.C. is two years for which, according to the provisions of Section 468 of the Code of Criminal Procedure, complaint has to be filed within a period of three years. As the petition was filed within a period of three years, we are of the view that the learned Magistrate was not justified in dismissing the complaint and the High Court has committed an error in confirming the said order.

Accordingly, the appeal is allowed, impugned orders are set aside and the matter is remitted to the learned Magistrate to dispose of the complaint on merits in accordance with law.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

New Delhi,
January 21, 2008.