
(2002) 04 JH CK 0015
In the Jharkhand High Court
Case No : Criminal M.P. No. 323 of 2002

Master Sundar Das

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 26-04-2002

Acts Referred:

Child Labour (Prohibition and Regulation) Act, 1986 — Section 14(1)
Criminal Procedure Code, 1973 (CrPC) — Section 468(2), 482

Citation : (2002) 04 JH CK 0015

Hon'ble Judges : D.N. Prasad, J

Bench : Single Bench

Advocate : Rajeev Sharma, for the Appellant; Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

D.N. Prasad, J.—This is an application u/s 482 of the Code of Criminal Procedure for quashing the entire criminal proceeding along with complaint case dated 5.12.2001 being OCR Case No. 221 of 2001 (T.R Case No. 82 of 2002) whereby and whereunder the Court below has taken cognizance for the offence u/s 14(1) of the Child Labour (Prohibition and Regulation) Act. The main contention of the petitioner for assailing the order taking cognizance is that it is barred by limitation as prescribed u/s 468(2)(b) (of Cr PC) as there is limitation for taking cognizance is for one year whereas in this instant case cognizance has been taken after 1 year without condoning the delay. It is also submitted that the inspection was done as back as on 11.12.2000 whereas the cognizance was taken on 24.12.2001 i.e. after more than 1 year, and as such, the cognizance is barred by limitation itself and it is fit to be quashed.

2. From perusal, it appears that inspection was done on 11.12.2000 and apparently though the report was submitted on 5.12.2001, but knowledge was made as back as on 11.12.2000 when the inspection was done but cognizance was taken on 24.12.2001 i.e. after one year. Thus, this application is barred by

limitation as prescribed u/s 468(2)(b) of the said Act. In such circumstance, this application is allowed and the order taking cognizance including the entire criminal proceeding, is hereby quashed.