
(2011) 12 KAR CK 0344
In the Karnataka High Court
Case No : Criminal Petition No. 6637 of 2011

Peddur Venkataram and Others

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 08-12-2011

Acts Referred:

Representation of the Peoples Act, 1951 — Section 127

Citation : (2011) 12 KAR CK 0344

Hon'ble Judges : B.V. Pinto, J

Bench : Single Bench

Advocate : G. Suresh, for the Appellant; Satish R. Girui, HCGP, for the Respondent

Final Decision : Allowed

Judgement

B.V. Pinto

1. This petition is filed seeking to quash the proceedings in CC. No. 168/2011 pending before the JMFC, Mulabagal arising out of Cr. No. 135/2009 of Mulabagal police station, registered for the offence u/s 127 of the Representation of the Peoples Act 1951.

2. It Is the ease of the complainant, who is Assistant Election Officer Mulabagal Assembly Constituency that on 18.04.2009, the JDS workars of Mulabagal Taluk had conducted the road show in which, 10 to 15 vehicles were going behind their leader in a group instead of going in an orderly manner and thereby they have created obstruction to the smooth flow of traffic and disturbance to public life. Hence, this case was registered.

3. Heard Sri G. Suresh, learned counsel for the petitioners and Sri S. Satish R. Giriji learned HCGP for the State/Respondent

4. It is submitted by the counsel for the petitioners that the, incident has taken place on 18.04.2009, however cognizance of offence is taken on 13.04.2011. It

is submitted that, limitation for taking cognizance of offence is one year as per Section 468(2) of the Cr.P.C. and since, the same is beyond the period of one year prescribed under the said Section, cognizance taken is had in law and the proceedings are liable to be quashed.

5. Heard the learned HCGP.

6. It is seen that the punishment prescribed u/s 127 of RP Act is six months imprisonment and therefore the limitation for taking cognizance is one year from the date of offence. In this case cognizance is taken beyond the period of limitation prescribed for taking cognizance Hence, the proceeding is liable to be quashed. Accordingly the proceedings in CC.HO.168/2011 are quashed. The petition is allowed.