

RMM LAW COLLEGE SAHARSA

CODE OF CRIMINAL PROCEDURE

IIIrd Part

Paper -3

**TOPIC- PROVISIONS AS TO
ACCUSED PERSONS OF**

**Topic- LIMITATION FOR TAKING COGNIZANCE OF
CERTAIN OFFENCE**

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467. Definitions —

For the purposes of this Chapter, unless the context otherwise requires, "period of limitation" means the period specified in section 468 for taking cognizance of an offence.

468. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided elsewhere in this Code, no Court, shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years

(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.

Comments

(i) Once the limitation has begun to run, it runs its full course; Venkappa Gurappa Hosur v. Kasawwa, (1997) 4 Supreme 217.

(ii) Sub-section (3) of section 468 which was added by Cr. P (Amendment Act), 1978 provides that in relation to offences which may be tried together, the period of limitation shall be determined with reference to the offence which is punishable with the more or most severe punishment. The language of sub-section (3) of section 468 makes it imperative that the limitation provided for taking cognizance in section 468 is in respect of offence charged and not in respect of offence finally proved; State of Himachal Pradesh v. Tara Dutta, AIR 2000 SC 297.

(iii) When the respondents were charged under section 468 read with 120 B per which the impossible punishment is 7 years and section 5(2) of Prevention of Corruption Act 1947, which is punishable with imprisonment for a term which may extend to 7 years and for such offences no period as limitation having been provided for in section 468, the cognizance taken by Special Judge cannot be barred by limitation; State of Himachal Pradesh v. Tara Dutta, AIR 2000 SC 297

469. Commencement of the period of limitation.

(1) The period of limitation, in relation to an offence, shall commence,—

(a) on the date of the 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, whichever 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 the offence, whichever is earlier.

(2) In computing the said period, the day from which such period is to be computed shall be excluded