



CrPC S. 167(2) - period for filing of charge sheet would begin to run and be counted from the next date of arrest of the accused. However, the date of accused being sent on remand would be excluded but the date on which charge-sheet was filed is to be included.

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In view of the fact that the charge-sheet contains a charge that the murder of the officer was committed liable to conviction under Section 302 IPC. Clause (b) of Section 167 would apply. It ways that with reference to sub-section (2) of Section 167 for the words 15 days, 90 days and 6 months where-ever occurs shall be construed with reference to one year and one year respectively as envisaged under sub-section (4) of Section 20 of the Act. It is seen that when the accused has been arrested on March 8, 1991, the Investigating Officer is enjoined to produce him before the Magistrate having [jurisdiction](#) within 24 hours from the date of the arrest. Consequently, the [limitation](#) of one year would begin to run and be counted from next date of the arrest, namely, March 9, 1991. Since the charge-sheet has been filed on March 6, 1992, the Designated Court was not justified in holding that the charge-sheet was not fled within the limitation prescribed under sub-section (4) of Section 20 of the Act, i.e., one year. The later amendment to the Act seeking permission of the Court for extension of the time or filing the necessary material to show the grounds on which the investigation could not be completed within the period has no application since the arrest was made prior to the amendment of the Act

Central Bureau of Investigation v. Nazir Ahmed Sheikh, AIR 1996 (83) SC 2980

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