
(2013) 04 JH CK 0097
In the Jharkhand High Court
Case No : Criminal M.P. No. 928 of 2009

Amrendra Kumar @ Mantu

APPELLANT

Vs

The State of Jharkhand and Another

RESPONDENT

Date of Decision : 23-04-2013

Acts Referred:

Dowry Prohibition Act, 1961 — Section 4
Penal Code, 1860 (IPC) — Section 498A

Citation : (2013) 04 JH CK 0097

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : Rajesh Kumar, for the Appellant; Ashok Kumar Sinha, Advocate for the O.P. No. 2, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Ranjan Prasad, J.—Heard learned counsel appearing for the petitioner and learned counsel appearing for the Stat as well as learned counsel appearing for the Opp. Party No. 2. Order dated 11.08.2004 passed by learned Sub Divisional Judicial Magistrate, Ranchi in C.P. Case No. 185 of 2004 whereby and whereunder, cognizance of the offence punishable u/s 498A of the Indian Penal Code and also u/s 4 of the Dowry Prohibition Act has been taken against the petitioner, is being sought to be quashed on the ground that the court, who has taken cognizance of the offence, does not have territorial jurisdiction.

2. Mr. Rajesh Kumar, learned counsel appearing for the petitioner submits that whatever overt acts constituting offence u/s 498A of the Indian Penal Code have been alleged to have been committed, all those overt acts were committed at the place where the complainant was living with the husband and not at Ranchi where the case was lodged and on this ground alone, the order taking cognizance is fit to be quashed in view of the ratio laid down in a case of Bhura Ram and Others Vs. State of Rajasthan and Another, and also in a case of Y. Abraham Ajith and Others Vs. Inspector of Police, Chennai and Another, .

3. As against this, learned counsel appearing for the Opp. Party No. 2 submits it is the case of the complainant that the accused persons when put forth the demand of dowry of Rs. 5,00,000/- at Ranchi, a draft of Rs. 2,00,000/- issued by the Union Bank of India, Doranda Ranchi was paid to the accused person and, therefore, it can easily be said the cause of action for commission of the offence u/s 4 of the Dowry Prohibition Act accrued at Ranchi where the complaint was filed upon which court took cognizance of the offence and thereby, the court did not commit any illegality in taking cognizance of the offence.

4. Having heard learned counsel appearing for the parties, it does appear that the order taking cognizance is being sought to be quashed on the basis of the ratio laid down in case of Bhura Ram (supra) and also in case of Y. Abraham Ajith (supra) wherein the Hon"ble Supreme Court has been pleased to hold that the court at the place, where no cause of action, constituting offence has ever arisen, will have no jurisdiction to entertain it, rather the court, where the offence was committed, will have jurisdiction to try the offence.

5. So far as present case is concerned, part of the cause of action certainly accrued at Ranchi where as per the case of the complainant, demand of dowry was made and, therefore, the court at Ranchi will have certainly jurisdiction to entertain the complaint. Accordingly, I do not find any illegality with the order taking cognizance and hence, this application stands dismissed.