
(1987) 01 P&H CK 0050

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 2690-M of 1986

Anil Kumar Jain & ors.

APPELLANT

Vs

State of Punjab & anr.

RESPONDENT

Date of Decision : 13-01-1987

Acts Referred:

Citation : (1987) 1 AICLR 71 : (1988) 2 RCR(Criminal) 577

Hon'ble Judges : I.S.Tiwana, J

Advocate : D.V. Gupta, D.S. Bali, S.K. Bhatia, Bipan Ghai, R.S. Ghai, Advocates for appearing Parties

Judgement

I.S. Tiwana, J.—Concededly the police has submitted a report against the petitioners under section 173, Criminal Procedure Code, for the commission of offence under section 420/468, I.P.C. read with section 63 of the Copy Rights Act. The sole plea of the learned counsel for the petitioners seeking quashing of the proceedings before the trial Court is that there is no evidence to support the commission of the abovenoted offences by the petitioners. If that be so, then the petitioners are entitled to the relief under S. 239 of the Code Criminal Procedure. which says that the trial Court, after giving prosecution and the accused an opportunity of being heard, may discharge the accused if it finds that the charge against him is groundless. It is then contended by the learned counsel for the petitioners that the offence under the Copy Rights Act was committed, if at all, at Delhi, where the Jantri in question was printed or published by the petitioners and the trial Court has no territorial jurisdiction to try the said offence. Even this plea can be gone into by the trial Court. To my mind, it certainly has the jurisdiction to find out whether it has the jurisdiction to try the offence or not. I am of the considered view that for purposes of the relief which is being sought by the petitioners this Court, in exercise of its powers under section 482, Criminal Procedure Code" has not to convert itself into a trial Court and then to examine the matter. I therefore, dismiss the petition.