
(1987) 11 P&H CK 0072

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 2266-M of 1987

Ariyapadi Kannikeswaran Balakrishnan

APPELLANT

Vs

Bhartiya Cutler Hammer Ltd.

RESPONDENT

Date of Decision : 03-11-1987

Acts Referred:

Citation : (1988) 1 RCR(Criminal) 299

Hon'ble Judges : S.S.Sodhi, J

Advocate : A.P. Bhandari, S.M. Sharma, J.N. Sharma, Advocates for appearing Parties

Judgement

S.S. Sodhi, J.

1. (Oral) The challenge here is to the complaint filed against the petitioner Mr. Ariyapadi Kannikeswaran Balakrishana, cognizance of which has been taken against him by Judicial Magistrate, Ist Class, Faridabad.

2. The case against the petitioner is that he was the senior Branch Accountant of the respondent company at Madras and while working as such, he is said to have misappropriated a sum of Rs. 30,000/ by falsification of accounts. Admittedly, all the acts complained of against the petitioner are said to have been committed by him at Madras. The only basis on which the Court at Faridabad is said to have territorial jurisdiction is that the accounts which were being maintained by the petitioner, were to be accounted for to the Company at Faridabad, as envisaged under Section 181(4) of the Criminal Procedure Code. 1973.

3. The impugned order of the Judicial Magistrate Ist Class, Faridabad, would show that while issuing process against the petitioner no finding has been recorded there to the effect that any accounts were to be accounted for by the petitioner at Faridabad, nor indeed could counsel for the respondent point any evidence to this effect.

4. Besides this, it is also pertinent to note that there is background of litigation between the parties. It has been alleged in this behalf by the petitioner that

there was a letter of resignation by him which had later been withdrawn and on that account a dispute arose between the parties, which is now pending before the labour Court at Madras, and it was said that it was to put pressure upon the petitioner in those proceedings, that this complaint has been filed against him at Faridabad. Such being the circumstances here, the impugned order of the Judicial Magistrate, Faridabad, cannot but be held to be wholly unsustainable and is accordingly hereby set aside. This petition is thus accepted.