

**(2012) 11 JH CK 0006**  
**In the Jharkhand High Court**  
**Case No : Criminal M.P. No. 626 of 2009**

Gautam Mandal and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

**Date of Decision :** 02-11-2012

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 407

**Citation :** (2013) 1 JLJR 569

**Hon'ble Judges :** Prashant Kumar, J

**Bench :** Single Bench

**Advocate :** Uday Kant Thakur, for the Appellant; Prem Prakash for the State and Mr. Din Dayal Saha for the O.P. No. 2, for the Respondent

## Judgement

Prashant Kumar, J.—This application has been filed for quashing the entire criminal proceeding in connection with P.C.R. Case No. 594 of 2008 pending in the court of learned S.D.J.M., Raj Mahal, Sahebganj. It is submitted by learned counsel for the petitioners that entire occurrence took place at Ghatpaharpur, Kasba, Godda. Thus, the Raj Mahal Court has no jurisdiction to entertain the present complaint petition. Learned counsel for the petitioners relied upon a judgment of Hon''ble Supreme Court reported in 2008 (3) JLJR (SC)287.

2. Learned counsel for the opposite party submits that from perusal of the said judgment, it is clear that the Hon''ble Supreme Court has directed that the complaint be returned to the complainant for filing it before competent court. Under the said circumstance, he submits that since Civil Court, Raj Mahal and Civil Court, Godda comes within the territorial jurisdiction of this Court, therefore, the present case be transferred to the competent court at Godda, as per the provisions contained in Section 407 of the Code of Criminal Procedure.

3. Having heard the submissions, I have gone through the record of the case. From perusal of the complaint petition, it is clear that all the occurrence took place at the sasural (in-laws house) of complainant, which situates at Ghatpaharpur, Kasba-Godda. Thus, I find that the Raj Mahal Court has no

territorial jurisdiction to try the present case. However, since Raj Mahal and Godda situates within the territorial jurisdiction of this Court, therefore, instead of giving direction to the court below for returning of the complaint petition to the complainant, I hereby transfer aforesaid complaint case from the Court of S.D.J.M., Raj Mahal to the Court of S.D.J.M., Godda for trial.

4. Both the parties, who are represented through their respective lawyer, are directed to appear before the S.D.J.M., Godda on 7th of December, 2012.

5. S.D.J.M., Raj Mahal is directed to send the record of the aforesaid complaint case through District Judge, Sahebganj to District Judge, Godda for needful before 7th of December, 2012. With the aforesaid observation and direction, this application is disposed of.