
(1990) 02 P&H CK 0060

In the Punjab And Haryana At Chandigarh

Case No : Amended Criminal Writ Petition No. 1883 of 1989

Gurdeep Kaur

APPELLANT

Vs

Union of India and ors.

RESPONDENT

Date of Decision : 19-02-1990

Acts Referred:

Citation : (1990) 2 RCR(Criminal) 20

Hon'ble Judges : A.P.Chowdhri, J

Advocate : Jaishree Anand, H. S. Mattewal, Advocates for appearing Parties

Judgement

A. P. Chowdhri, J.

1. Mohinder Pal Singh (hereinafter referred to as the detenu) was detained by orders of the Central Government dated August 1, 1989, Annexure P3, under section 3(1) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974. In the present petition his wife has challenged the detention on various grounds. A preliminary objection has been raised that this Court has no jurisdiction.

2. Learned counsel for the petitioner referred to the provisions of Article 226 of the Constitution, as amended, and submitted that accrual of a part of cause of action within the jurisdiction of this Court will invest this Court with jurisdiction to entertain the present petition. This proposition cannot and has not been disputed. The only question to be seen is whether any part of cause of action arose within the jurisdiction of this Court.

3. In order to show that part of cause of action arose within the jurisdiction of this Court, learned counsel for the petitioner took me through the grounds of detention, Annexure P4. In para 16 of the said grounds, it was stated that enquiries were made at house No. 800, Phase IV, Mohali, the address of the companion of the detenu, namely, Amrik Singh, and it was found that in fact that house was occupied by one Shri S.S. Padam, Manager in the Life Insurance Corporation of India, Mohali since June 1988. It was further stated that in the

same statement made by the detenu he had given his own address as house No. 813, PhaseIV, Mohali. The enquiries made in this connection revealed that the said address was not right. Learned counsel for the petitioner wants to infer from the above material that the allegations against the petitioner related to alleged smuggling/prejudicial activities being carried on at Mohali, district Ropar in the State of Punjab, which is under the jurisdiction of this Court. After hearing learned counsel for both the parties, I am unable to accept the above contention. It is well known that whenever a person is interrogated he is asked about his residence and some other antecedents and these facts are normally verified. It is in this connection that the appears to have mentioned about his own residential address as also of his companion. There is absolutely nothing in the detailed grounds Annexure P4 to show that the alleged smuggling activities were allegedly carried on by the detenu at Mohali. In fact a reading of paragraph 10 of the grounds aforesaid show that the principal prejudicial activity, namely. the recovery of 350 gold biscuits of 10 tolas each of foreign origin was made on March 27, 1989, in the area village Kalal in between village Gotarka and the city of Ahmedabad in the State of Gujarat from a Maruti car No. MZH4896, in which amongst others, the detenu was travelling at that time. No part of the prejudicial activity which may have take place in any area under the jurisdiction of this Court has been mentioned in the grounds Annexure P4. Simply because the detenu is a resident of Mohali, does not invest this Court with any jurisdiction. It is not disputed that criminal cases for violation of various Acts and registered at Ahmedabad and they are being proceeded with.

4. For the reasons mentioned above, I find that this Court has no jurisdiction. The petition is dismissed on this short ground.