
(2013) 07 JH CK 0166

In the Jharkhand High Court

Case No : Criminal M.P. No. 1461 of 2012

Kamlesh Kumar Gour and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 04-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 182
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 323, 498A

Citation : (2013) 07 JH CK 0166

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : Arun Kumar, for the Appellant; Sunil Kumar, Advocate for O.P. No. 2, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Ranjan Prasad, J.—Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel for O.P. No. 2. The order dated 04/06/2012, passed in Sisai P.S. Case No. 127/2008 (G.R. No. 772/2008, T.R. No. 511/12), whereby and whereunder, cognizance of the offences punishable under Sections 323, 498A of the Indian Penal Code and also u/s 3 /4 of the Dowry Prohibition Act, has been taken against the petitioners, is being sought to be quashed on the ground that that the Court, who has taken cognizance, lacks territorial jurisdiction.

2. Learned counsel appearing for the petitioners, by referring to the statements made in the complaint petition, submits that whatever overt acts constituting offence under which cognizance has been taken, those overt acts have been alleged to have committed at Dewaria (UP) and not at the place, territorial jurisdiction of which the Court, who has taken cognizance of the offence, does have. Learned counsel further submits that one of the allegations made is to the effect that on telephone the petitioners had extended threats but it has never

there in specific term as to whether that threats had been given by the petitioners by calling her on telephone or it was the complainant, who had called the petitioners and that incident relates to the year 2004, whereas the case has been lodged in the year 2007 and, thereby, the order taking cognizance is fit to be quashed.

3. As against this, learned counsel appearing for O.P. No. 2, by referring to the complaint petition, submitted that it has been alleged that while the complainant was residing at Gumla with her parents, the petitioners extended threat on telephone of dire consequences and, therefore, the offence of criminal intimidation is made out and in that event the complaint has been lodged at Gumla whereupon, the Court has taken cognizance of the offences punishable under Sections 323, 498A of the Indian Penal Code and also u/s 3 /4 of the Dowry prohibition Act and, thereby, the Court did not do any wrong. Having heard learned counsel appearing for the parties, it does appear that it is true that whatever overt acts pertaining to the offence u/s 498A IPC, have been alleged to have been committed, those overt acts have been alleged to have been committed outside the jurisdiction of the Court, who has taken cognizance. At the same time, allegations are there in the complaint that the petitioners on telephone had extended threat of dire consequences to the complainant, who had received telephone call while she was residing at Gumla. Keeping in view that part of cause of action accrued at Gumla, complaint would have been filed at Gumla though cognizance of the offence of criminal intimidation has not been taken but it hardly matters so far as question relates to the point of territorial jurisdiction, which is to be decided on the point as to whether any part of cause of action had accrued at the place where complaint was filed. Under the circumstances, I do not find that the Court, who has taken cognizance, lacks territorial jurisdiction, particularly keeping in view the provision as contained in Section 182 Cr.P.C. Accordingly, this application stands dismissed.