

(1913) 07 CAL CK 0041
In the Calcutta High Court

Rajani Benode Chakravarti

APPELLANT

Vs

All India Banking And Insurance Co.

RESPONDENT

Date of Decision : 07-07-1913

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 185
Penal Code, 1860 (IPC) — Section 409, 420, 467, 477

Citation : (1914) ILR (Cal) 305

Hon'ble Judges : Imam, J;Chapman, J

Bench : Division Bench

Judgement

Imam and Chapman, JJ.—The petitioners in this case; who live in Chittagong, are being prosecuted at Lahore for offences under Sections 409, 420, 467 and 477 of the Indian Penal Code, at the instance of the All-India Banking and Insurance Company, Limited, of Lahore, in respect of transactions between the parties. The Company's case is that, under the terms and conditions of the agency entered into between the petitioners and the Company, all accounts had to be rendered, and all moneys collected had to be paid by the petitioners, to the Company at its head office at Lahore, and that being so, the offences alleged are triable at Lahore. The petitioners in their petition aver that the offences, if any were committed within the jurisdiction of the District Magistrate of Chittagong, and they by their present application ask us to decide, u/s 185 of the Criminal Procedure Code, as to which Court should try the case. The learned Counsel on behalf of the petitioners has mostly pressed us to consider the question of convenience and to decide in favour of the trial being held at Chittagong. We do not think that Section 185 warrants interference by this Court merely upon the ground of convenience. The decision of the High Court, within the local limits of whose appellate jurisdiction the offender actually is, can only be sought when a doubt arises as to the Court by which an offence should be enquired into or tried. To our mind, there is no doubt that, on the allegations of the prosecution, the Courts at Chittagong and Lahore are equally competent to exercise jurisdiction in this matter. We have no doubtful question to decide, and in tills view this Rule

must be discharged.