
(2012) 05 AHC CK 0046
In the Allahabad High Court
Case No : Criminal R. No. 3821 of 2003

Ravi Pratap Rai and Others	Vs	APPELLANT
State of U. P. and Another		RESPONDENT

Date of Decision : 23-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161, 177, 178

Citation : (2012) 2 ACR 2240 : (2013) 1 Crimes 24

Hon'ble Judges : Jayashree Tiwari, J

Bench : Single Bench

Advocate : Ravindra Nath Rai and Ashok Kumar Rai, for the Appellant;

Final Decision : Dismissed

Judgement

Mrs. Jayashree Tiwari, J.—Case called out in the revised list.

Heard learned counsel for the revisionist and learned A.G.A. for State and perused the record.

It is contended that Court at Gorakhpur has no jurisdiction to take cognizance of the offence and he has been wrongly summoned in the matter. In this context, learned counsel for the revisionist submitted that as per the version in F.I.R.. the incident had taken place at Calcutta, where father-in-law and mother-in-law as well as the wife and her husband were residing on account of the fact that the father-in-law Hari Bhusan Rai was In police service at Calcutta and on this count, he submitted that Court at Gorakhpur has no jurisdiction to entertain to take cognizance of the offence.

2. In this connection. It will be expedient to go through the provisions of ordinary place of inquiry and trial as mentioned in Section 177, Cr. P.C. which is as follows :

Section 177. Ordinary place of inquiry and trial. -- Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was

committed.

Section 178. Place of inquiry or trial.--(a) When it is uncertain in which of several local areas an offence was committed, or

(b) where an offence is committed partly in one local area and partly in another, or

(c) where an offence is a continuing one, and continues to be committed in more local area than one, or

(d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

3. In this regard, it is to be seen whether demand for dowry was made only at Calcutta or whether part of said demand was also made at Gorakhpur. In this connection, the evidence of the wife recorded u/s 161. Cr. P.C. clearly shows at page 3 of her statement that when her father-in-law after retirement came back to the home at Gorakhpur, the father of the wife went to Gorakhpur tried to negotiate them for keeping the girl but the father-in-law was not prepared to keep her without taking the house and hence he lodged F.I.R. in Lucknow.

4. The father of the wife has stated that when Hari Bhusan Rai. the father-in-law after retirement came back at Gorakhpur then he again went to meet her with some relatives tried to keep her but he did not remain to listen to him and ask him to purchase the house in dowry and torture his daughter.

5. Similarly, Gayatri Devi in her statement has stated that father-in-law of the girl after retirement came back to home at Gorakhpur and she also went and ask her and prayed for keeping the girl but they remained and insisted the house for dowry and torture the girl and they also abused and threatened.

6. All these statements during investigation show that a part of the torture on account of dowry was also committed after the retirement of the father-in-law, when he came back to his home at Gorakhpur and hence the Court at Gorakhpur, learned Magistrate is well within his power to take cognizance of the offence as part of the offence is alleged to have been committed at Gorakhpur also in regard to the defence of the offence of the dowry and torture. Hence, the order so passed by learned Magistrate at Gorakhpur to take cognizance on the charge-sheet and summon the accused is thus well within his power and there is no illegality or perversity in order sc passed. Apparently, the revision appears to have no force in itself and is liable to be dismissed as such.

The revision is accordingly, dismissed.