

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16667 of 2015
Date of Decision : 17.07.2015

Chandgi Ram

.....Petitioner

Versus

Parmanand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

R.P. Nagrath, J. (Oral)

Prayer in the instant petition is made under Section 482 Cr.P.C. seeking to set aside order dated 02.05.2015 passed by the Additional Sessions Judge in revision against the order of Magistrate whereby learned Magistrate has held that the Court at Narnaul would not have the territorial jurisdiction to try case arising out of FIR No. 66 dated 12.05.2006 for offences under Sections 420, 406, 467, 468, 471, 120-B read with Section 34 of Indian Penal Code (IPC).

Two persons are facing trial, namely; Sahi Ram a resident of village Santaur, Police Station Buhana, District Jhunjhunu (Rajasthan) and other is the petitioner.

The revisional Court has set aside the order on the ground that facts on the file do not reveal that the Court of Magistrate at Narnaul is lacking inherent jurisdiction in entertaining and trying the case.

Only the petitioner out of two accused has invoked the

jurisdiction of this Court under Section 482 Cr.P.C. to challenge the order passed by the revisional Court.

I have heard learned counsel for the petitioner at considerable length and also perused the paper-book.

The evidence was produced before learned trial Court, though oral that the agreement between the petitioner and respondent no. 1-complainant with regard to investment made for the purchase of *trolla* was entered at Narnaul. The question of jurisdiction would thus be a mixed question of facts and law, and the trial Court could not have disposed of only this issue without giving findings on the other points in controversy on merits. Therefore, the trial Court was quite incorrect in ordering the transfer of FIR to the Court of competent jurisdiction i.e. either Jaipur where the truck was financed; Gurgaon where the vehicle was registered or at Lakhimpur in Uttar Pradesh, where the vehicle was sold.

When the matter was listed on 02.07.2015, the petitioner was directed to place on record copies of statements of witnesses and other relevant documents but compliance has not been made.

Learned counsel for the petitioner submits that the instant petition may be disposed of with a direction to the trial Court to keep alive the issue of jurisdiction at the time of final adjudication of matter but the other question would always be that such an issue about lack of territorial jurisdiction should have been raised at the earliest and not at the fag end of trial. The challan in the instant case was presented in the year 2006

and the trial went on upto the year 2012 when the trial Court ultimately passed an order directing transfer of the FIR which was challenged in revision. In the circumstances, therefore, it would be a moot point if any prejudice has been caused to the petitioner in holding the trial particularly when such a plea was not raised at the earlier stages when the challan was presented or at the time of framing of the charges or at any subsequent stage soon thereafter.

Dismissed.

July 17, 2015
jk

(R.P. NAGRATH)
JUDGE