

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2422 of 2009 (O&M)
Date of Decision: January 19, 2015

Sandeep Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Majithia, Advocate
for the petitioner.

Mr.S.S.Chandumajra, Deputy Advocate General, Punjab
for the respondent-State.

Mr.Munish Raj, Advocate
for respondents No.2, 3 and 5.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. against State of Punjab and other respondents challenging the impugned judgment dated 20.01.2009 passed by learned Addl. Sessions Judge, Mansa vide which the accused-respondents were discharged for the offence under Section 498-A IPC.

It is stated in the petition that judgment passed by learned Addl. Sessions Judge, Mansa dated 20.01.2009 is against the law and facts and deserves to be set aside. Even the order dated 26.04.2007 passed by learned JMIC, Mansa is partially illegal and incorrect, whereby he has failed to consider framing of charge of

offence under Section 406 IPC against the accused.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondents No.2, 3 and 5 appeared and contested the petition and reply was also filed.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Vide present revision petition, the judgment dated 20.01.2009 passed by learned Addl. Sessions Judge, Mansa has been challenged and prayer has been made to set aside this order. The petitioner, though, has stated that the order dated 26.04.2007 passed by learned JMIC, Mansa by not framing the charge under Section 406 IPC is partially illegal and incorrect but that order has not been challenged. Otherwise also, the revision petition against that order is now time barred.

From the perusal of the record, it is clear that learned JMIC, Mansa has only framed the charge under Section 498-A IPC regarding which revision has been filed by the respondents-accused. Learned Addl. Sessions Judge, Mansa vide judgment dated 20.01.2009 has correctly held that all the alleged facts of cruelty took place at village Bora Police Station Ratia, District Fatehabad, therefore, the Court at Mansa has no territorial jurisdiction. Learned Addl. Sessions Judge in the judgment has discussed the law laid down in so many cases by this Court that Court where offence has not been committed has no jurisdiction. It was not disputed before this Court by learned counsel for the petitioner that any of the act of

cruelty which falls under Section 498-A IPC has not been committed at Mansa. Therefore, if the acts of cruelty have been committed at Ratia District Fatehabad in Haryana, then the charge under Section 498-A IPC cannot be framed at Mansa and the Court at Mansa has no territorial jurisdiction regarding the same. The Court of learned Addl. Sessions Judge, Mansa has also relied upon law laid down by the Hon'ble Supreme Court wherein it is held that the Court of the place where the alleged cruelty was committed, alone shall have jurisdiction to try and decide the case against husband and other family members of in-laws family under Section 498-A IPC.

So, from the record, I find that impugned judgment dated 20.01.2009 passed by learned Addl. Sessions Judge, Mansa is as per law and not liable to be set aside and therefore, the same is upheld.

Therefore, finding no merit in the present petition, the same is dismissed.

January 19, 2015
Vgulati

(INDERJIT SINGH)
JUDGE