

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37354 of 2013

Arising Out of PS. Case No.-58 Year-2009 Thana- Naya Ram Nagar District- Munger

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1. Meena Devi Widow of Late Naresh Kumar Roy
 2. Santosh Kumar Son of Late Naresh Kumar Roy.
 3. Smt. Juli Kumari @ Juli Roy Wife of Santosh Kumar
All resident of Mohalla - Bahadurpur Housing Colony
P.S. - Agam Kuan , Distt. Patna

... .. Petitioners

Versus

1. The State of Bihar
2. Sarita Singh @ Sarita Roy Wife of Anuj Kumar Roy and Daughter
of Parmanand Singh, Resident of Village Chandanpura, P.S. - Naya
Ram Nagar, District - Munger

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Vishal Saurabh
For the Opposite Party/s : Mr. Md. Aslam Ansari (APP)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

15. 01-11-2017 Heard learned counsel for petitioners and Mr. Md.
Aslam Ansari, learned Addl. Public Prosecutor.

2. Three petitioners, who are in-laws of informant/opposite party no. 2, have approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, with a prayer to quash entire prosecution in Naya Ram Nagar P.S. Case No. 58 of 2009 (G.R. No. 746 of 2009). The entire prosecution including order of cognizance has been assailed purely on the ground of lack of territorial jurisdiction of the court i.e. learned Sub-Divisional Judicial Magistrate, Munger.



3. It has been pleaded that marriage of informant was solemnised within the territorial jurisdiction of Patna and no cause of action arose within the territorial jurisdiction of Munger and as such, in absence of territorial jurisdiction, the concerned court at Munger is not having any jurisdiction to proceed with the case and on this very ground, it has been prayed to set aside the entire prosecution as well as order of cognizance. It was argued by learned counsel for petitioners that at least in the present case, while an occurrence in continuation had occurred in Munger, the petitioner no. 2 (Santosh Kumar) was present at Patna and as such, petitioner no. 2 is required to be exonerated from the proceeding.

4. Learned Addl. Public Prosecutor, while referring to contents of F.I.R., submits that it is a specific case that part of cause of action also arose within the territorial jurisdiction of Munger. The informant has asserted that her marriage was solemnised at Patna, thereafter, demand of dowry was made, she was tortured repeatedly and from time-to-time, she was carried to Munger. Even in the F.I.R., it has been alleged that while the informant was at her parents' place at Munger, her husband had come to Munger and also assaulted her at Munger. Thereafter, after registering F.I.R., police investigated the case and



submitted chargesheet and only thereafter, the case was proceeded.

5. Considering the fact that part of cause of action arose within the territorial jurisdiction of Munger, there is no reason to interfere with the proceeding.

6. The petition stands dismissed.

7. In view of the fact that case pertains to the year 2009, while dismissing, it is necessary to observe that learned Trial Court may take appropriate step so that the case may come to its logical end without unnecessary delay.

8. Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J.)

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