

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 44914 of 2015

Arising out of P.S. Case No. - 999 Year - 2012 Thana - SARAN COMPLAINT CASE District - SARAN

Rajnath Rai, Son of Late Tulsi Rai, Resident of Mohalla - Chhota Brahmpur, P.S. -
Bhagwan Bazar, District - Saran

.... Petitioner

Versus

1. The State of Bihar
 2. B. Raja Rajan, Deputy Examination Controller, Delhi University, Delhi
 3. Examiner, Political Science (Honours) (Part II) (2011), Delhi University, Delhi
- Opposite Parties

Appearance :

For the Petitioner : Mr.

For the Opposite Parties : Mr.

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

Date: 12-05-2016

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This is a petition for quashing the order dated
04.05.2015 passed by the learned Additional District and Sessions
Judge-V, Saran, Chapra in Cr. Revision Case No. 257 of 2013 by
which he has confirmed the order dated 28.06.2013 passed by the
learned Judicial Magistrate, Chapra in Complaint Case No. 999 of
2012 dismissing the complaint filed by the petitioner without going
into the merits of the case under Section 203 of the Code of Criminal
Procedure (for short 'Cr.P.C.') on the ground that Chapra Court has
no territorial jurisdiction to entertain the complaint.

The prosecution case, as alleged by the complainant
in the complaint petition, is that petitioner's son Rajeev Kumar was a



student of Political Science (Honours) is Saheed Bhagat Singh Evening College, North Campus under Delhi University. He with his brother Sanjeev appeared in B.A. (Honours) Programme Political Science Part-II examination held in May/June, 2011. It has been further stated in the complaint petition that the result of the examination was notified on 27.07.2011 in which Rajeev Kumar was declared to have failed and Sanjeev was declared to have passed. Being upset with the result, Rajeev Kumar submitted application for revaluation of answer-sheet along with the requisite fees. On 20.11.2011 Rajeev Kumar went to the University to know the result of the revaluation, but he could not get any information. Being frustrated, he committed suicide on 25.11.2011 at Delhi. Information was given to the local Police Station. Police came to the place of occurrence where he had committed suicide and took the statements of family members and neighbour and sent the dead body for post-mortem examination after making entry D.D. No. 19(A). On getting information at Chapra, the petitioner, father of the deceased, along with his wife proceeded for Delhi and on 26.11.2011 dead body was cremated at Delhi. It is further stated in the complaint petition that on 29.11.2011 petitioner was informed on phone by one Sudhansu Lal, friend of Sanjeev that after revaluation result of Rajeev Kumar has been notified and he has been declared to have passed. Sanjeev the



brother of the deceased Rajeev went to Delhi and informed the Police about the negligence and carelessness on the part of Examination Department of the University leading to non-notification of the result of the revaluation in time, which caused death of Rajeev Kumar, but the Police neither took any action nor lodged any case. It is further stated in the complaint petition that as it was not possible for the petitioner to lodge and purse the case at Delhi, he has filed the complaint petition under Section 306 of the Indian Penal Code at his native place, Chapra.

However, on the complaint, the witnesses were examined on behalf of the complainant excluding the petitioner. The statement of the petitioner was also recorded on solemn affirmation and he filed relevant documents in support of his case. After examination of the complainant and the witnesses, during the course of enquiry, the matter was heard by the Magistrate, who held that since the occurrence took place at Delhi and all the facts regarding the occurrence are related to Delhi, so the territorial jurisdiction is vested at Delhi. The said order was challenged before the Revisional Court and the Revisional Court also dismissed the complaint on ground that Chapra Court has no jurisdiction to entertain the complaint.

The said order has been challenged under Section 482 of the Code of Criminal Procedure before this Court in extra ordinary

jurisdiction.

Learned counsel for the petitioner, however, contended that the father of the deceased received information regarding the death of his son at Chapra though the cremation of the deceased was done at Delhi, but the last rituals of the deceased were also performed at Chapra, as also result of the deceased was received at Chapra and hence, as per Section 179 of the Cr.P.C. the consequence of the occurrence ensued at Chapra so Chapra Court has jurisdiction to entertain the case.

Section 179 of the Cr.P.C. provides the jurisdiction when the jurisdiction can be extended to a place other than the place where the occurrence took place. However, Section 177 of the Cr.P.C. provides that ordinary place of inquiry and trial of a Court is within whose local jurisdiction it was committed.

Here the fact is that the deceased appeared in the examination under Delhi University and the result was published at Delhi and he was declared fail also at Delhi and further he got shocked after declaration of his result to have failed at Delhi and subsequently he applied for revaluation and even made attempt to find out the result of his application for revaluation at Delhi and ultimately being fed up with non-publication of the result or the result of revaluation, he committed suicide also at Delhi and no part of the



occurrence at all occurred at Chapra. Whatever alleged was that after his death, the complainant received the information at Chapra and then he rushed to Delhi and further he returned after cremation. Thereafter, at Chapra he received the information that the deceased was declared to have passed when the authorities of the Delhi University considered his application for revaluation.

However, Section 177 of the Cr.P.C. gives jurisdiction to the Court within whose local jurisdiction the act has been committed. Here from the fact, it is apparent that the deceased committed suicide at Delhi and the event from the time of appearing in the examination till the death of the accused mentioned above took place at Delhi, hence, none of the cause of action took place at Chapra to give jurisdiction to Chapra Court.

Section 178 of the Cr.P.C. provides that where the offence is committed partly in one local area or partly in another or where the offence is continuing one, and continues to be committed in more local areas than one then it may be inquired into or tried by a Court having jurisdiction over any of such local areas where part of occurrence took place. However, the fact that none of the occurrence or part of occurrence took place at the jurisdiction of Chapra Court so Chapra Court has no jurisdiction to try the case.

Section 179 provides that when an act is an offence

by reason of anything which has been done and of a consequence which has ensued, the offence may be enquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.

Here taking into consideration the fact that the act of appearing in the examination till the death of the victim, has occurred at Delhi and also that not a single act has been committed at Chapra, the provisions of Sections 177 and 178 of the Cr.P.C. are not applicable. So far as Section 179 of the Cr.P.C. is concerned, it is stated that the information regarding the death of the victim was received at Chapra and information regarding passing of the victim was also received at Chapra, hence, the question for consideration arises whether these two informations having been received at Chapra come within the definition of the consequence, which has ensued.

However, the acts of appearing of the victim at the examination, the declaration of his result as having failed and further his applying for revaluation and in consequence whereof committing suicide have all occurred at Delhi and none of these acts have been committed at Chapra, on the other hand, the act that the informant received information at Chapra regarding the death is not an offence. It is only that an act is an offence by reason of anything which has been done and of a consequence, which has ensued, such act can only

be taken into consideration. However, if the offence has been committed at one place and any information is received by any of his relatives, at another place, that act of receiving information is neither part of an offence nor a consequence which has ensued. Had it been a case that the deceased having appeared at Delhi and in consequence of non-publication of result he would have committed suicide at Chapra, then it might have been said that the consequence had ensued at Chapra, but since he died or committed suicide at Delhi itself, the consequence ensued at Delhi and merely because the information received by the complainant about the death of the victim at Chapra it cannot be said that the consequence had ensued at Chapra giving jurisdiction to the Court at Chapra to try the case. Hence, I find that Chapra Court has no jurisdiction to entertain the complaint and I do not find any merit in the petition and it is, accordingly, dismissed.

(Gopal Prasad, J)

Kundan

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