

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29817 of 2014

Arising Out of PS.Case No. -1785 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Satya Prakash Son of Sri Aditya Kumar
 2. Amit Kumar @ Pintu Son of Aditya Kumar
 3. Vikash Kumar @ Rintu Son of Aditya Kumar
 4. Aditya Kumar S/o Late Bhagna Gupta All resident of Bokaro Steel City, Sector-8C, Street No.43, Qr. No.2039, P.S. and District- Bokaro, Jharkhand.
 5. Vishwajeet Sarkar Son of Late Nishi Kant Sarkar Resident of village- Kusaha, P.O. and P.S.- Balia Belon, District- Katihar.

.... Petitioners

Versus

1. The State of Bihar
2. Dipa Devi D/o Nirmal Sah @ Sapan Resident of village- Kusaha (Balial Belon), P.S. Balial Belan (Kadwan), District- Katihar.

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate
For the State	:	Mr. Madhuri Lata, APP
For O.P. No.2	:	Mr. K.K. Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 23-08-2017

Heard learned counsel for the parties.

2. The petitioners have filed this application under Section 482 Cr.P.C., 1973 for setting aside order of cognizance dated 07.03.2014, passed by SDJM, Katihar in Complaint Case No.1785 of 2013 whereby the learned Magistrate has taken cognizance of the offence under Sections 498A/34 IPC.

3. Learned counsel for the petitioners submits that no part of the alleged occurrence was committed within the territorial jurisdiction of Katihar and he relies on the decision of the Hon'ble Supreme Court reported in (2004) 8 SCC 100 (Y. Abraham Ajith &



Ors. vs. Inspector of Police, Chennai & Anr.). In the entire complaint, the allegation of demand and torture is made at Bokaro and Asansol where the husband was posted. Learned counsel for the petitioner further submits that all family members have been made accused in this case including the maternal uncle of the husband, who is petitioner no.2 in this case.

4. Learned counsel appearing on behalf of opposite party no.2 submits that in para 18 of the complaint, the specific allegation that petitioner no.5 used to make demand at Katihar and the complainant was forced to leave the matrimonial home and she started living in Katihar so part of the occurrence was committed within the jurisdiction of Katihar and there is specific allegation against all the petitioners.

5. Having considered rival submissions and on perusal of records, it is found that territorial jurisdiction at Katihar also lies because part of the alleged occurrence is said to have been committed thereto. The allegation is that petitioner no.5, the maternal uncle of the husband, used to make demand of money and car and used to threaten that unless the demand is fulfilled the complainant will not be taken back to matrimonial home. In Sunita Kumari Kashyap vs. State of Bihar, reported in (2011) 11 SCC 301, the Apex Court has held that even if part of the occurrence is committed at a place and the consequence follows that court gets jurisdiction to make enquiry or



trial of the case. Moreover, there is also specific allegation against the petitioners making prima facie case against them too, so this Court does not find any merit in this application.

6. In the result, the application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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