

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.562 of 2017**

1. Avdesh Shroti S/o Ashok Kumar Sharma, Aged About 26 Years R/o Water Works Colony, Quarter No. F-7, Dhakpura Road, Police Station Hathras Gate, District Hathras, Uttar Pradesh
2. Ashok Kumar Sharma, S/o Late Onkar Prasad Sharma, Aged About 50 Years R/o Water Works Colony, Quarter No. F-7, Dhakpura Road, Police Station Hathras Gate, District Hathras, Uttar Pradesh
3. Smt. Urmila Sharma, W/o Ashok Kumar Sharma, Aged About 46 Years R/o Water Works Colony, Quarter No. F-7, Dhakpura Road, Police Station Hathras Gate, District Hathras, Uttar Pradesh
4. Ku. Madhuri Sharma, D/o Ashok Kumar Sharma, Aged About 23 Years R/o Water Works Colony, Quarter No. F-7, Dhakpura Road, Police Station Hathras Gate, District Hathras, Uttar Pradesh

---- Applicants**Versus**

State of Chhattisgarh through the Incharge of Mahila Police Station
Ambikapur, District Sarguja, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Vishnu Koshta, Advocate
For Respondent	:	Mr. Sangharsh Pandey, Govt. Advocate
Complainant	:	Ms. Sakshi Shroti appears in person

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/07/2017**

1. Heard.
2. The instant petition is against the order dated 16/05/2017 passed by the Court of Second Additional Sessions Judge, Ambikapur, whereby

an application to transfer the case from Ambikapur to Hathras (Uttar Pradesh) has been dismissed.

3. The application was filed before the Ambikapur Court under Sections 177 & 178 Cr.P.C., whereby the accused/applicants herein contended that the entire incident had happened at Hathras, therefore, as per the provisions of Cr.P.C., the trial can only go on at the place where the incident had happened. The said application was dismissed.
4. Learned counsel for the applicants/accused would submit that the FIR dated 29/06/2015 and the statement of the victim namely Smt.- Sakshi Shroti would show that after the marriage when she joined her matrimonial house at Hathras, the incident happened. He would further submit that without going into the merits of the case, the application seeking transfer of the case was dismissed. According to Sections 177 & 178 of the Cr.P.C, the offence can only be inquired and tried by the Court within whose jurisdiction it was committed. He refers to the statement of the victim and the F.I.R. and also placed reliance on **Y. Abraham Ajith and others v. Inspector of Police, Chennai and another, AIR 2004 SCW 4788** and **Rajendra Ramchandra Kavalekar v. State of Maharashtra and another, AIR 2009 SC 1792** and submits that as per the the law laid down in the above cases by the Supreme Court, the offence having being committed at Hathras, the place of trial can only be at Hathras not Ambikapur. He further submits in respect of Section 498-A IPC that though certain part of incident had happened at Ambikapur yet it cannot be said that the incident had absolutely occurred at Ambikapur, therefore, the Court of

Ambikapur cannot try the offence.

5. Per contra, counsel appearing for the State opposed the prayer and would submit that since a part of the incident had taken place at Ambikapur, therefore, according to Section 178 Cr.P.C, the case is triable by the Court of Ambikapur also. It is further submitted that the revision has no merit, it deserves to be dismissed.
6. Complainant Smt. Sakshi Shroti, who appears in person opposes the same and submits that she was forced to abort her pregnancy at Hathras and at Ambikapur also she was subjected to medical treatment due to the abortion for which she has annexed certain documents which would show the continuation of incident at Ambikapur even for the purpose of Section 313 of IPC. Therefore, the offence can very well be tried at Ambikapur Court.
7. I have heard the contentions advanced and perused the documents placed on the record.
8. A perusal of the F.I.R. made by the complainant on 29/06/2015 shows that she was married to Avdesh Shroti on 29/11/2012 and in the marriage, her father had given dowry/gifts as per their status. Subsequently, when she joined her matrimonial house at Hathras, she was subjected to torture for the reason that the goods which had been given in dowry were insufficient and, therefore, further demands were made from her. It has been stated that she became pregnant in the year 2013, thereafter, her in-laws, who never wanted her to deliver the baby objected to and subjected her to abortion. It has been further

stated that an amount of Rs.10,00,000/- was demanded by her in-laws for investment in their family business and the said demand was continued when they came to Ambikapur on 28/10/2013, where they stayed for 2-3 days. There also she was subjected to torture and assaulted by the husband and eventually, the husband left the complainant at her maternal house. It has also been stated that when she again went back to join her matrimonial home, she was told by the in-laws that unless and until the demand of Rs.10,00,000/- is not fulfilled, she will not be allowed to enter the matrimonial home. The said demand is attributed to all the family members. The statement of the complainant is also in the similar line.

9. A perusal of the F.I.R. and the statement of the complainant, if they are taken together, would show that after her marriage when she joined her matrimonial home, at that time, she was subjected to torture for demand of dowry and thereafter, when she became pregnant at Hathras, the allegation of forcible abortion attributed to the applicants. The statement of continuation of the offence would show that when she came to Ambikapur at her maternal house, her husband continued the demand and she was again assaulted there by her husband therefor. The statement and the F.I.R. would further show that when she again went to join her matrimonial home at Hathras, she was not allowed to get into the house for the demand of Rs.10,00,000/-. Thereafter, the demand persisted intermittently, which continued from Hathras to Ambikapur and then again from Ambikapur to Hathras.

10. Sections 177 and 178 of the Cr.P.C. are relevant to decide the issue

involved in the instance case, which run thus:

“177. Ordinary place of inquiry and trial.—

Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.

178. Place of inquiry or trial.—(a) When it is uncertain in which of several local areas an offence was committed, or

(b) where an offence is committed partly in one local area and partly in another, or

(c) where an offence is continuing one, and continues to be committed in more local areas than one, or

(d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.”

11. Reading of Section 178 of the Cr.P.C would show that when there is an uncertainty as to continuation of offence at different areas and the offence is continuing and continues in more local areas than one, and it consist of several acts done in different local areas, it can be inquired into or tried by a Court having jurisdiction over any of such local areas.
12. The statement of the complainant and the F.I.R would show that the continuation of offence attributed Section 498-A IPC at Hathras and Ambikapur and again at Hathras, therefore, it appears that two offences have been committed which consist of several acts done in different local areas. The principle, as has been laid down in **Y. Abraham Ajith case** (supra) and **Rajendra Ramchandra case** (supra) is not in dispute as it confines to the commission of offence in a particular area.

13. In the instant case, several acts have been committed in different local areas, therefore, as per Section 178 of the Cr.P.C the offence can very well be inquired into and tried by the competent Court having jurisdiction over any of such local areas. In view of the foregoing, Ambikapur, having been one of the areas of commission of the offence, can, therefore, be the place of inquiry and trial.
14. Consequently, the revision petition is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Rahul