

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3480 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -MUNGER COMPLAINT CASE District-
MUNGER

=====

Rajendra Choudhary, Son of Late Kaleshwar Choudhary, Resident of
Village- Nauwagarhi, P.S.- Narya Ramnagar, District- Munger.

.... Appellant

Versus

1. The State of Bihar.
2. Herambh Mahatre, Senior Intelligence Officer.
3. Jayant Nayer, Senior Intelligence Officer,
4. Staya Praksh, Intelligence Officer.
5. S.A. Raode, Senior Intelligence Officer.
6. Madhavan, Assistant Director Intelligence Officer All respondent No. 2 to 6 are posted Under Zonal Unit of D.R.I MZU/C/Irot-58, 3rd, 4th, 5th Floor, 13 Ser Vithal Das Thakarey Road, Opposite Patrakar Hal, New Marin Lines, Police Station- Dinsao Bachha Road, Merin Liens, Opposite C.C.L. Club Near Samrat Hotel, Behind Yashodhan building, Mumbai, Maharashtra PIN- 400020.

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, Adv.
: Mr. Ram Sevak Choudhary, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 09-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, by the complainant of Complaint Case No.93C of 2017. The complaint was dismissed by the impugned order dated 09.11.2017 by the learned Special Judge, Munger in exercise of power under Section 203 Cr.P.C.

The complaint was dismissed on two grounds.
First, that the Court at Munger in the State of Bihar has no



jurisdiction in the matter of criminal act said to be committed at Bombay in the State of Maharashtra. Secondly, on the ground that the occurrence had taken place at Bombay and the witnesses produced during enquiry, were of Munger and were mainly the hearsay witnesses.

After going through the complaint petition, this is crystal clear, which is not disputed by the learned counsel for the appellant, that in fact the occurrence had taken place at Bombay in Maharashtra. There is no dispute that the offences under Sections 323/34 of the Indian Penal Code and Section 3(c) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, for which the complaint was filed are not continuing offences.

Submission of the learned counsel for the appellant is that since the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 does not specify the place of trial of offences committed under the Act and it is Special Act. Therefore, the general provisions of Cr.P.C. would not apply and the case can be brought at any place including at the place, where the complainant resides. In the present case, complainant resides at Munger. Therefore, the complaint was filed at Munger itself.

I do not find any substance in the submission aforesaid, for the reason that unless contrary is provided in



the special statute, the general provision would apply and general provisions of Cr.P.C. vide Section 177 provides that every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed. Section 178 of Cr.P.C provides for such jurisdiction to different courts in the matter of continuing offence or where alleged to be committed in different jurisdiction or partly within one or several jurisdictions which is not a case at hand.

Therefore, in my view, the criminal prosecution could have been launched at Bombay only.

This Court is not going to disclose the mind on the second ground that the complaint is not supported by the witness examined during enquiry, for the reason that the same may prejudice the mind of the competent court in the event, complaint is filed thereat. However, it is made clear that if the court below was of the view that if had no jurisdiction to entertain the complaint, it should not have recorded a finding on merit of the case. No such finding shall be binding on any other court.

With the aforesaid observation, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

