

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2631 of 2016

Arising Out of PS.Case No. -811 Year- 2013 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Tarkeshwar Yadav @ Tarkeshwar Rai, Son of Late Rampujan Rai
2. Motijhari Devi, Wife of Tarkeshwar Yadav
3. Pramod Kumar Yadav, S/o Shri Tarkeshwar Yadav
All resident of village/Mohalla - Chandmari Road, Azad Path, Gali No. 5 P.S. -
Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Devi, D/o Jitendra Kumar Singh, Resident of Mohalla - Kailashpuri,
West Railway Gumati, P.S. - Ara Nawada, Dist. - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Dubey, Advocate

For the Opposite Party/s : Mr. Narsing Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 14-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 17.09.2015 passed by learned Additional District & Sessions Judge-V, Bhojpur, Ara, in Cr. Revision No. 125 of 2014 by which he has affirmed the order dated 22.05.2014 passed by learned Sub Divisional Judicial Magistrate, Bhojpur, Ara, in Trial No. 3816 of 2013 by which the learned Magistrate took cognizance against the petitioners for the offences under Section 498A of the Indian Penal Code.

2. It is alleged in the complaint petition that marriage



of the complainant was solemnized on 11.12.2005 with Pramod Kumar Yadav according to Hindu rites and customs. In the marriage father of the complainant has given some gifts and money for marriage purpose. After one year of marriage, the accused persons demanded Hero Honda Motorcycle and colour T.V. The accused persons started torturing the complainant in her sasural for non fulfillment of their demand and ultimately ousted her from matrimonial house. The complainant gave birth to a female child on 21.07.2018. The accused persons brought the complainant back to her Maikay along with her female child.

3. Heard learned counsel for the petitioners and learned counsel for the State.

4. Counsel for the petitioners submits that the entire overt act has taken place in Patna. Therefore, Civil Court, Ara at Bhojpur has no jurisdiction. The learned Additional District & Sessions Judge-V, Bhojpur, Ara, has also not considered the point of jurisdiction and dismissed Criminal Revision No. 125 of 2014 filed by the petitioner. The counsel for petitioners has relied on decision reported *in 2007 (3) PLJR 269 (Suresh Das Harijan Vrs. State of Bihar & Anr.)* and argued that Section 177 Cr. P.C. speaks that “Every offence shall ordinarily be inquired into and tried by a Court



within whose local jurisdiction it was committed”.

5. Sections 177 to 181 Cr. P.C. describes about the jurisdiction of Criminal Courts in inquiries and trials.

Section 178 and 179 speaks as follows:

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 a 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.

179. Offence triable where act is done or consequence ensues. - 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 inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.

6. This Court after looking into allegation in complaint petition finds that marriage of the complainant took place



in Ara. Thereafter, she came to her matrimonial house in Patna. She was tortured in Patna for demand of dowry. The accused persons ousted the complainant for non fulfillment of demand of dowry. They brought her to Maike along with her female child and left her. The accused persons told that unless the demand of dowry is fulfilled, they will not take the complainant back to her matrimonial house.

Section 178 (d) Cr. P.C. clearly lays down that “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”. Similarly, **Section 179 Cr. P.C.** says 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 inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued”.

7. In the instant case as per complaint petition itself it is apparent that marriage of the complainant took place in Ara. Thereafter, she came to her *Sasural* at Patna where she was tortured by the petitioners and ultimately she was forcibly sent back to her *Maikey* where at present she is living. Therefore, the court of Ara will have jurisdiction.

8. In such circumstances, this Court does not find any



illegality in the impugned order passed by the court below.

9. This Criminal Miscellaneous application is accordingly dismissed.

10. The court below will proceed with the case in accordance with law.

(Sanjay Priya, J)

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AFR/NAFR	AFR
CAV DATE	N.A.
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