

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 631 OF 2012.

(Sanjeevkumar Chandan Mithileshkumar Mishra, Jehanabad (Bihar) Vs. State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Firdos Mirza, Advocate for the applicant.
Shri S.J. Kadu, APP for non-applicant No.1.
Shri A.C. Dharmadhikari, Advocate for non-applicant
No.2.

CORAM : Z.A. HAQ &
PUSHPA V. GANEDIWALA, JJ.
OCTOBER 14, 2019.

Heard.

The prayer made by the applicant in the instant Criminal Application is for quashing of the First Information Report No.02/2012 dated 04/01/2012 registered with the Police Station, Sevagram, District Wardha for the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code. The Registrar, Mahatma Gandhi International Hindi University, Wardha is the informant in the impugned F.I.R.

It is alleged that the applicant, who is an ex-student of the aforesaid University, had submitted a fabricated transfer-cum-migration certificate with a forged signature of the Registrar for his enrollment at the Ambedkar University, Delhi instead of submitting

the copy of original migration certificate which was issued to him by the Registrar, Mahatma Gandhi International Hindi University, Wardha on 18/04/2011.

Shri Firdos Mirza, learned Advocate for the applicant raised the question of territorial jurisdiction to the Police Station, Sevagram, District Wardha to investigate the aforesaid crime. He drew our attention to the Sections 156 and 177 of the Code of Criminal Procedure. These sections alongwith section 178 of Cr.P.C., for ready reference, are reproduced herein under:-

“156. Police officer’s power to investigate cognizable case. - (1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under Section 190 may order such an investigation as above-mentioned.

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 a continuing one, and continues to be committed in more local areas than once, 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.”

On plain reading of these provisions it is clear that the investigation is the prerogative of the police officer and ordinarily the investigation of the crime is to be done within the local jurisdiction where the crime is committed. However, no proceeding of a police officer in any such case can at any stage, be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. Furthermore, the accused has no voice to question the power of the police to investigate, in view of the judgment given by the Hon’ble Supreme Court in the case of *Central Bureau of Investigation and another Vs. Rajesh Gandhi and another*, reported in **AIR 1997 SC 93**.

In addition to this, in the instant case, it cannot be certainly said at this stage that no part of the offence is committed within the jurisdiction of Sevagram Police Station, Wardha. Admittedly, the

Migration Certificate was issued with the signature of the Registrar, Matatma Gandhi International Hindi University, Wardha. The allegations of forgery and fabrication of the document are apparent in the FIR.

Hence, no case for quashing is made out. We are not inclined to allow this application.

The Criminal Application thus being devoid of merits fails and is accordingly rejected.

At the request of learned Advocate for the applicant, the interim relief which was in force during the pendency of this application is further extended for a period of eight weeks.

JUDGE

JUDGE