

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.998 of 2015

Arising Out of PS. Case No.-522 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Pankaj Kumar Singh son of Randhir Sharan Sinha, aged about 43 years old, residing at Pandooi Kothi, East Boring Canal Road, P.S.- Buddha Colony, District- Patna. Bihar.

... .. Petitioner

Versus

1. The State Of Bihar
2. Mr. N. Srinath , aged about 52 years old, Managing Director of M/s Tata Tele Services Private Limit At- Voltas Premises, T.B. Kadam Marg, Chinchpokli, P.S.- Byculla, Mumbai, Maharashtra- 400033.
3. Mr. Ashok Ghosh, aged about 50 years old, Mobility Regional Head East of M/s Tata Tele Services Lim At 12th Floor, Srijan Tech Park, DN-52, Sector-5, P.S.- Salt Lake, Kolkata- 700091.
4. Mr. Amitav Prasad, aged about 50 years old, Commercial Head All India of M/s Tata Tele Services Lim At- Voltas Premises, T.B. Kadam Marg, Chinchpokli, P.S.- Byculla, Mumbai, Maharashtra- 400033.
5. Mr. Pradipta Vakil, aged about 45 years old, Regional Commercial Head, East of M/s Tata Tele Servic At 12th Floor, Srijan Tech Park, DN-52, Sector-5, P.S.- Salt Lake, Kolkata- 700091.
6. Mr. Bishwarup Bandopadhyay, aged about 42 years old, Commercial Head of Bihar and Jharkhand of M/s At 3rd floor, LIC Building, Bistupur, P.S.- Bistupur, Jamshedpur.
7. Mr. Dipankar Sanyal, aged about 42 years old, All India Head of M/s Moms Outdoor Media Solution Pvt At G-3, Ground Floor, Krishna Corporate, Centre- A, Andheri Kurla Road, P.S- M.I.D.C. Andheri East, Mumbai- 400059

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Kumar Rishikesh Chanchal
For the Respondent/s : Mr.Subhash Chandra Mishraapp

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 03-03-2020

Petitioner, in this case, is seeking setting-aside the
order dated 12.05.2015 passed by learned 1st Class Judicial



Magistrate, Patna in Complaint Case No. 522(C) of 2015 by which the complaint case preferred by the present petitioner was dismissed under Section 203 of the Code of Criminal Procedure.

Learned counsel for the petitioner submits that the learned Magistrate has wrongly dismissed the complaint on the ground of territorial jurisdiction.

Learned counsel for respondent no. 7 however submits that on a bare reading of the impugned order it will appear that the complaint was preferred more in the nature of recovery suit alleging that the certain work had been done and his due payments have not been made. Learned Magistrate found that there was no formal agreement between the parties and though from the legal notice of the complainant it appears that parties had agreed on certain terms and conditions, however in ultimate analysis the learned Magistrate found that the work order i.e. release order – display issued was specifically containing a recital that any dispute between the parties will be subject to Mumbai jurisdiction only. Learned counsel thus submits that in the nature of allegations and the kind of grievance



raised by the complainant, this being a pure and simple civil dispute at best which was subject to Mumbai jurisdiction has rightly been dismissed by the learned Magistrate.

Having heard learned counsel for the parties and on perusal of the records, this court agrees with the submission of learned counsel for the respondent no. 7. The relevant part of the impugned order reads as under:

“Heard. Perused the case record, S.A. of complainant and other inquiry witnesses along with the documents on record. I find that although there was no formal agreement between the parties, from the perusal of legal notice of complainant it appears that the parties were agreed upon certain terms and conditions. However, from the further perusal of work order i.e. release order – Display which has been prepared upon discussion and mutual agreed terms as stated in the order itself, it is clear that the parties were agreed that any dispute between them will be subject to Mumbai jurisdiction only and the mere fact that the office of the complainant is in Patna does not make any difference. Moreover there is nothing on record to show that any special agreement was there between the parties which could show that deviation can be made on the point of jurisdiction in case of any dispute. Hence in my opinion this court does not get any jurisdiction regarding this case.

Accordingly in the light of facts and circumstances



discussed above this complain stands dismissed under Section 203 Cr.P.C. O/c is directed to deposit the record in record room as per rules.”

In the nature of the grievance of the complainant, this court is of the considered opinion that it looks like more a civil dispute and it would not be just and proper to allow the complainant to convert the purely civil dispute in a criminal proceeding. It is always open for the petitioner to seek his remedy before appropriate forum in accordance with law.

This Application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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