

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 828 OF 2014

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| 1. Dr. S. C. Mohanty |] | |
| 2. Dr. A. S. Durga Prasad |] | |
| 3. Mr. Rakesh Singh |] | |
| 4. Mr. M. Gopalkrishnan |] | |
| 5. Mr. Kaushik Banerjee |] | ... Applicants |
| V/s. | | |
| 1. The State of Maharashtra |] | |
| 2. Mr. Dhananjay Vishnu Joshi |] | ... Respondents |

Mr. Amin Solkar a/w. Mr. Jaydeep Raut, Mr. Raman Paranjape & Ms. Archita Gharat i/b. Mr. Sunil N. Nair for Applicants.

Dr. Dhanalakshmi S. Krishnaiyer, A.P.P. for Respondent No.1-State.

Mr. Saket Mone a/w. Mr. Abhishek Salian i/b. Vidhii Partners for Respondent No.2.

Sr. PI. Mr. Sandeep N. Deshmane, Kothrud Police Station, Pune City, present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 8th May 2024.

PC. :

1) In pursuance of Order dated 24th April 2024, Mr. Pravin R. Pawar, Joint Commissioner of Police, Pune City has filed Affidavit dated 6th May 2024.

The explanation given therein is accepted.

2) In the present Application, it is the prime contention of the Applicants that, the alleged cause of action for lodgment of crime and the transaction in question has taken place at Kolkata, where the headquarters of The Institute of Cost Accountants of India is situated and the Judicial

Magistrate First Class, Pune, who has passed the impugned Order dated 18th July 2014 had no jurisdiction to entertain the said complaint.

2.1) Perusal of impugned Order and in particular para No.2 of the operative part of impugned Order dated 18th July 2014 reads as under :-

“If Police authorities find that offence is not committed within jurisdiction of this Court, then they are at liberty, after registration of crime, to send it to concern police station, where offence is committed.”

3) The Joint Commissioner of Police, Pune City in his Affidavit dated 6th May 2024 has stated that, as per the statement of complainant the jurisdiction of the said crime was at Rajarhat, New Town, Calcutta (Kolkata). It therefore appears to us that, Kothrud Police Station, District Pune, registered the present crime as ‘zero number’, i.e. CR No. 00 of 2014, for its onward transmission to the Police Station having jurisdiction at Rajarhat, New Town, Calcutta (Kolkata). In Clause No. 5(b) of First Information Report the place of occurrence is mentioned as Rajarhat, New Town, Kolkata.

3.1) Senior Police Inspector Mr. Sandeep N. Deshmane attached to Kothrud Police Station, Pune City, is personally present in the Court and submitted that, the jurisdiction or present case in the State of West Bengal lies with New Market Police Station, Kolkata.

4) It is the fact on record that, by an Order dated 22nd August 2014 ad-interim relief in terms of prayer Clause (a) of the Application was granted

in favour of the Applicants. Therefore apart from the facts mentioned in the Affidavit dated 6th May 2024 by the Joint Commissioner of Police, it may also be a reason that Kothrud Police Station did not forward the said crime for further investigation to New Town Police Station, Kolkata.

5) Learned counsel appearing for Respondent No.2, on instructions, submitted that, Respondent No.2 has no serious objection for transferring the crime to Kolkata, however the right of complainant to be heard before the appropriate Court, may not be impeded, if the Applicants prefer an application for quashing of the crime before a Court of competent jurisdiction in the State of West Bengal.

6) In view of the above, we direct the Kothrud Police Station, District Pune to forward the papers of the crime registered by them in pursuance of Order dated 18th July 2014 on the basis of the complaint filed by the Respondent No.2 to the New Market Police Station, Kolkata for further proceedings within a period of two weeks from the date of uploading of present Order on the Official Website of High Court of Bombay..

7) It is needless to mention that, this Court has not adjudicated the merits involved in the Application for quashing of the crime in question and the said crime is transferred to New Market Police Station, Kolkata, in view of the objection raised by the Applicants.

8) Application is partly allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)