

Before Hon'ble Dr. Sarojnei Saksena, J.

HARISH TEWARI,—Petitioner.

*versus*

VIMAL KUMAR SINGH & OTHERS,—Respondents.

Crl. Misc. No. 3951-M of 1995.

24th July, 1995

*Code of Criminal Procedure, 1973—S. 183—Jurisdiction of Court to try the matter—Complainant travelling on ticket from Shahjahanpur to Jalandhar—However got down at Muradabad—Complaint Lodged at Jalandhar—Jurisdiction of Court to try offence to be a Court through whose Local jurisdiction that person passed on course of journey—Jalandhar Court competent to try complaint.*

*Held, that in journey if an offence is committed against any person, then that offence can be enquired into or tried by a Court through or into whose local jurisdiction that person (against whom the offence is committed) passed in the course of that journey. Admittedly, the complainant was travelling from Shahjahanpur to Jalandhar. His journey terminated at Jalandhar. Hence I find that under section 183 of the Code of Criminal Procedure, Chief Judicial Magistrate, Jalandhar, has territorial jurisdiction to enquire into complaint Annexure P-1.*

(Para 5)

C. L. Sharma, Advocate, for the Petitioner.

Mukesh Kaushik, Advocate, for Respondents Nos. 1 & 2.

G. S. Gill, AAG (Punjab), for Respondent No. 3.

#### JUDGMENT

*Dr. Sarojnei Saksena, J.*

(1) Petitioner's learned counsel contended that both the Courts below while passing the impugned orders have failed to consider the provisions of Section 183 of the Code of Criminal Procedure. The facts of the case are that the petitioner was travelling with his father in train from Shahjahanpur to Jalandhar City on July 1, 1993. During the course of the journey, the respondents who were on duty as Travelling Ticket Examiner and Senior/Supdt. Ticket Examiner in the complainant's compartment, demanded Rs. 100 from the petitioner for allotting him two berths. The complainant gave Rs. 100

to respondent No. 1 and asked him to allot him the required berths. Respondent No. 1 asked him to occupy two berths in the compartment. After some time when he demanded receipt, he was asked to wait. After some time, when he again demanded receipt, respondent No. 1 became annoyed and started abusing him. At that point of time, both respondents 1 and 2 abused him in most filthy language, threatened to eliminate him and to throw his luggage out from the running train. They also started beating him. Co-passengers came to his rescue. Thereafter both respondents 1 and 2 got down from the train at Moradabad. When he reached Jalandhar, he lodged a complaint with the Station Master in the prescribed form. He also reported the matter to the Railway Police at Jalandhar Railway Station but since the F.I.R. was not registered by them, he filed a complaint on October 11, 1993, under sections 323/307/352/504/506/34 I.P.C. before the Illaqa Magistrate, Jalandhar. The Chief Judicial Magistrate,—*vide* his order dated October 13 1993, returned the complaint for presentation to the proper court. Aggrieved by that order, he filed a revision before the Sessions Judge, Jalandhar. The Additional Sessions Judge, Jalandhar, dismissed his revision by order dated December 1, 1994, holding that territorial jurisdiction to try these offences is of Moradabad Court. This complaint is at Annexure P-1 and both the orders of the lower courts are at Annexures P-2 and P-3.

(2) Petitioner's counsel further contends that under section 183 of the Code of Criminal Procedure if the offence is committed against any person, then he is entitled to file a complaint against the accused and that offence may be enquired into or tried by a Court through or into whose local jurisdiction that person passed in the course of that journey. The Courts below have considered only this aspect that this refers to the accused only and not to the person against whom the offence is committed. Hence he prayed that the revision be allowed and the Chief Judicial Magistrate, Jalandhar, be directed to decide his complaint as per law.

(3) Counsel for respondents 1 and 2 vehemently opposed the prayer and contended that under section 183 of the Code of Criminal Procedure if any offence is committed whilst the person by whom the offence is committed is in the course of performing a journey, the offence may be enquired into or tried by a court through or into whose local jurisdiction that person passed in the course of that journey. Since in this case the complainant has mentioned in his complaint that both respondents 1 and 2 got down from the train at Moradabad, evidently Moradabad Court has jurisdiction to try the

said complaint. Jalandhar Court has no jurisdiction to try the respondents for these offences. The journey of both these respondents terminated at Moradabad.

(4) In my considered view, both the Courts below have failed to consider the provisions of section 183 of the Code of Criminal Procedure in right perspective. Section 183 reads as under :—

**“183. OFFENCE COMMITTED ON JOURNEY OR VOYAGE.**

When an offence is committed whilst the person by or against whom, or the thing in respect of which, the offence is committed is in the course of performing a journey or voyage, the offence may be inquired into or tried by a Court through or into whose local jurisdiction that person or thing passed in the course of that journey or voyage.”

(5) Thus, it is obvious that in journey if an offence is committed against any person, then that offence can be enquired into or tried by a Court through or into whose local jurisdiction that person (against whom the offence is committed) passed in the course of that journey. Admittedly, the complainant was travelling from Shahjahanpur to Jalandhar. His journey terminated at Jalandhar. Hence I find that under section 183 of the Code of Criminal Procedure, Chief Judicial Magistrate, Jalandhar, has territorial jurisdiction to enquire into complaint Annexure P-1.

(6) In view thereof, the impugned orders are set aside. The Chief Judicial Magistrate, Jalandhar, is directed to enquire into the complainant's complaint in accordance with law. The complainant is directed to appear before the Chief Judicial Magistrate, Jalandhar, on August 11, 1995.

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*J.S.T.*

*Before Hon'ble Dr. Sarojnei Saksena, J.*

**DARA SINGH @ RAJA,—Petitioner.**

*versus*

**THE STATE OF HARYANA.—Respondent.**

*Crl. M. No. 9985/M of 1995*

*23rd August, 1995*

*Code of Criminal Procedure, 1973—S. 167 (2)—Whether accused can be allowed bail before the challan is presented—Held default in*