

(1995) 07 P&H CK 0004

High Court Of Punjab And Haryana At Chandigarh**Case No:** Criminal Miscellaneous No. 1395-M of 1995

Harish Tewari

APPELLANT

Vs

Vimal Kumar Singh Travelling
Ticket Examiner and OthersRESPONDENT

Date of Decision: July 24, 1995**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 183
- Penal Code, 1860 (IPC) - Section 307, 323, 34, 352, 504

Citation: (1995) CriLJ 3859 : (1995) 3 RCR(Criminal) 285**Hon'ble Judges:** Sarojnei Saksena, J**Bench:** Single Bench**Advocate:** C.L. Sharma, for the Appellant; Mukesh Kaushik, for Respondent Nos. 1 and 2 and G.S. Gill, AAG, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Sarojnei Saksena, J.

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 Cr. P.C. The facts of the case are that the petitioner was travelling with his father in train from Shahjahanpur to Jalandhar City on July I. 1993. During the course of the journey, the respondents who were on duty as Travelling Ticket Examiner and Scnior/Spdt. 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. I and asked him to allot him the required berths. Respondent No. I 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 I 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 FIR was not registered by them, he filed a complaint on October 11, 1993, under Sections 323/307/352/504/506/34, IPC 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 u/s 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 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. 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 u/s 183 of the Code of Criminal Procedure if any offence is committed whilst the person by whom the offence is committed 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 Cr. P.C. 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 u/s 183 of the Cr. P.C., Chief Judicial Magistrate, Jalandhar, has territorial jurisdiction to enquire into complaint Annexure P-I.

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.