
(2014) 05 P&H CK 0199

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M-5789 of 2014

Court on its own motion

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: May 28, 2014

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 177, 407
- Penal Code, 1860 (IPC) - Section 302, 304-B, 306, 34, 498-A

Hon'ble Judges: T.P.S. Mann, J

Bench: Single Bench

Advocate: Kamaldip Singh Sidhu, Advocate for the Appellant; Gazi Mohd., Deputy A.G., Punjab, Advocate for the Respondent

Judgement

T.P.S. Mann, J.

The two accused, namely, Jaginder Singh and Manjit Kaur were tried for committing offences under Sections 498-A and 304-B IPC on the allegations that they had committed the dowry death of Surjit Kaur. The trial of the case ended with the conviction of Jaginder Singh-accused u/s 304-B IPC and he was, accordingly, sentenced to undergo imprisonment for ten years. He was, however, acquitted of the offence u/s 498-A IPC. Manjit Kaur-accused was acquitted of both the charges. Aggrieved of his conviction and sentence, Jaginder Singh-accused filed an appeal. The State also preferred appeal against the acquittal of Manjit Kaur-accused. The two appeals were decided by this Court on 28.9.2007 when the conviction of Jaginder Singh-accused u/s 304-B IPC was upheld but his sentence of imprisonment was reduced from ten years to seven years. The acquittal of Manjit Kaur-accused u/s 304-B IPC was set-aside and she was also awarded imprisonment for a period of seven years. Aggrieved of the judgment passed by this Court, both the accused filed their respective appeals before the Hon"ble Supreme Court. Vide common order dated 23.7.2013, the Hon"ble Supreme Court set-aside the judgment and order passed by the trial Court as well as by this Court and remanded the matter to the

trial Court to alter the charge to one u/s 302 IPC. It was also observed that though the evidence was already on record yet if additional evidence was required in the opinion of the trial Court, the parties be permitted to lead the same after the alteration of the charge. The trial Court was, accordingly, directed to proceed in accordance with law.

2. Post remand, the trial Court charged the accused u/s 302 IPC. When the case reached the stage of defence evidence, Additional Sessions Judge, Jalandhar while noticing that the FIR in question stood registered at Police Station Rahon which earlier fell within the jurisdiction of District Jalandhar but with the creation of an independent Sessions Division of Nawanshahr, Police Station Rahon fell within its jurisdiction, instructions have been sought as to whether to proceed further with the matter or the same be sent to Sessions Division of Nawanshahr so that no illegality or irregularity may occur.

3. Admittedly, FIR No. 9 dated 18.3.1995 under Sections 304-B/498-A/306/34 IPC was registered at Police Station Rahon against Jaginder Singh and his mother Manjit Kaur. At that time, Police Station Rahon was within the territorial jurisdiction of Sessions Division Jalandhar. Accordingly, the trial was taken up by Additional Sessions Judge, Jalandhar, who vide judgment and order dated 29.3.1997 convicted Jaginder Singh-accused u/s 304-B IPC but acquitted him u/s 498-A IPC. Manjit Kaur-accused was, however, acquitted of the aforementioned charges. The matter then came before this Court and, thereafter, before the Hon"ble Supreme Court. In the meantime, separate Sessions Division of Nawanshahr was carved out of Sessions Division of Jalandhar and the said Sessions Division of Nawanshahr has territorial jurisdiction over Police Station Rahon and is duly headed by the District and Sessions Judge. Therefore, in terms of Section 177 Cr.P.C., the trial of the case subsequent to remand by the Hon"ble Supreme Court is required to be conducted at Nawanshahr within whose local jurisdiction the offence was committed, instead of Jalandhar. Moreover, neither of the parties i.e. the accused or the State would be prejudiced in any manner if in terms of the provisions of Section 407 Cr.P.C., the case is transferred from Jalandhar to Nawanshahr as the same would be expedient for the ends of justice.

4. Resultantly, the trial arising out of FIR No. 9 dated 18.3.1995 pertaining to Police Station Rahon is transferred from Sessions Division Jalandhar to Sessions Division Nawanshahr (now named as Shaheed Bhagat Singh Nagar).

5. The query posed by Additional Sessions Judge, Jalandhar is answered, accordingly.