
(2012) 07 SHI CK 0040

High Court of Himachal Pradesh

Case No: Criminal Revision No. 67 of 2012

Nazakat Ali Hashmi

APPELLANT

Vs

State of Himachal
Pradesh

RESPONDENT

Date of Decision: July 31, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 179
- Penal Code, 1860 (IPC) - Section 420, 467, 468

Hon'ble Judges: Sanjay Karol, J

Bench: Single Bench

Advocate: Karan Singh, for the Appellant; R.M. Bisht, D.A.G., for the Respondent

Final Decision: Dismissed

Judgement

Justice Sanjay Karol, Judge

1. Record perused and returned. In terms of impugned order dated 12th December, 2011, Judicial Magistrate 1st Class, Court No. 1, Paonta Sahib, has rejected the petitioner's application, filed u/s 179 of the Code of Criminal Procedure, alleging that the said Court does not have territorial jurisdiction to try the case, arising out of FIR No. 327/2006, dated 1st September, 2006, registered under Sections 420, 467 and 468 of the Indian Penal Code, 1860.

2. Having perused the record, I am of the considered view that the Court below has correctly arrived at the findings with respect to the question of territorial jurisdiction.

3. Record reveals that both the accused (petitioner) and the complainant party are residents of Himachal Pradesh. In fact they reside at Paonta Sahib (HP). No doubt certain payments were made by the complainants directly to the petitioner at Himachal Bhawan, New Delhi, but however, record also reveals that prior thereto, payments by way of

demand drafts prepared in the name of Haj Committee of India were entrusted to the petitioner at Paonta Sahib. Payments were also directly sent by the complainants to the Haj Committee of India. These payments pertained to travel fee/travel expenses/Visa fee for pilgrimage, which the complainants were to undertake while performing the Haj Yatra, in the year 2006. Complainants undertook such pilgrimage, but were allegedly made to travel in 3rd Class, whereas payments were actually made by him for travel in 1st Class. Record also reveals that the Haj Committee (Bombay) had been corresponding with the complainants as also the petitioner with regard to the complainants' grievances.

4. Trial Court has categorically held that a sum of Rs. 39,438/-, returned by the Haj Committee of India to the petitioner, was to be delivered to the group of Hajjis, but allegedly the same was also not distributed to them.

5. As such, in my considered view, there is no apparent error on the face of record or illegality committed by the Court below while coming to the conclusion that the concerned Court in the State of Himachal Pradesh has territorial jurisdiction to try the complaint in question. I do not find that there is either any illegality or impropriety in the findings recorded by the Court below. In fact, I am of the considered view that such findings are correct, justifiable and legally sustainable. Consequently, I do not find any reason to interfere with the present petition, which is accordingly dismissed. Interim order dated 23rd March, 2012 is vacated. Registry is directed to immediately send the record and the copy of the order to the concerned Court for trial. Trial Court is directed to complete the entire trial expeditiously and possibly within a period of one year.