

CRIMINAL REVISION

Present: **The Hon'ble Justice Ashim Kumar Roy**
C.R.R. No. 715 of 2010
Judgment On: 31-03-2010.

Somenath Patra & Anr.
versus
The State of West Bengal & Anr.

POINTS:

JURISDICTION- Accused received Streedhan at Durgapur-Marriage solemnized at Durgapur-Learned Judicial Magistrate, 2nd Court, Durgapur, whether lacking of territorial jurisdiction-Indian Penal Code, Ss.498A/406/323/506-Code of Criminal Procedure, 1973 S 482.

FACTS:

Invoking Section 482 of the Code of Criminal Procedure, the petitioners have moved this application for quashing of a complaint case relating to the offences punishable under Sections 498A/406/323/506 of the Indian Penal Code on the ground that the Court of the Learned Judicial Magistrate, 2nd Court, Durgapur, before whom the aforesaid case is pending, is lacking of territorial jurisdiction.

HELD:

The complainant was subjected to cruelty by the accused persons at her matrimonial home. Various streedhan articles including gold ornaments and other articles as well as cash money of Rs. 50,000/- were received by the accused persons at the time of marriage, solemnized at Durgapur. When the petitioner was driven out from her matrimonial home the accused persons refused to return the same to her. Therefore, in view of the fact the stridhan articles, which were allegedly misappropriated, were made over to the accused persons at Durgapur, the Learned Additional Chief Judicial Magistrate, Durgapur certainly possessed the jurisdiction to hold the trial of the accused persons, in respect of the alleged offences.

Para-3

For Petitioners: Mr. Navanil De

THE COURT:

1. Invoking Section 482 of the Code of Criminal Procedure, the petitioners have moved this application for quashing of a complaint case relating to the offences punishable under Sections 498A/406/323/506 of the Indian Penal Code on the ground that the Court of the Learned Judicial Magistrate, 2nd Court, Durgapur, before whom the aforesaid case is pending, is lacking of territorial jurisdiction.

2. Heard the Learned Counsel appearing on behalf of the petitioners. Perused the petition of complaint.

3. The case in question relates to the offences punishable under Sections 498A/406/323/506 of the Indian Penal Code. It is true according to the case of the complainant, she was subjected to cruelty by the accused persons at her matrimonial home at Dum Dum and then at Dhanbad. But, at the same time there is also allegations that at the time of the marriage of the defacto complainant solemnized at Durgapur various stridhan articles including gold ornaments and other articles as well as a cash money of Rs. 50,000/- were received by the accused persons and after the petitioner being driven out from her matrimonial home the accused persons refused to return the same to her.

Therefore, in view of the facts the stridhan articles which has been allegedly misappropriated, were made over to the accused persons at Durgapur, the Learned Additional Chief Judicial Magistrate, Durgapur certainly possessed the jurisdiction to hold the trial of the accused persons, in respect of the alleged offences.

4. This criminal revision has no merit and accordingly, stands dismissed. Interim order, if any, stands vacated.

5. Criminal Section is directed to deliver urgent Photostat certified copy of this Judgment to the parties, if applied for, as early as possible.

(Ashim Kumar Roy, J.)