

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
30TH COURT, KURLA, MUMBAI.**

Case No. 26/SW/2024

(Shubhangi Shinde Vs Rupali Rohit Dhanani And 3 Others)

COMMON ORDER BELOW EXH.1 & 17

1. This is an application of accused objecting jurisdiction of this Court to try the present case. Read application and say of learned A.P.P. Perused record. Heard both sides.
2. This case has been instituted as per the directions u/s. 340 of Code of Criminal Procedure, 1973 (Cr.P.C) of this Court for the alleged offence punishable u/s. 193 and 209 of the Indian Penal Code for giving false evidence etc. in a Criminal Case pending in this Court bearing Case No. 58/SW/2021.
3. Thus, the offence is committed in this Court and therefore as per section 340 (1) (c) this Court was required to send the complaint to a Magistrate of the First Class having jurisdiction. Since the place wherein this Court is situated is within the jurisdiction of Kurla Police Station, the complaint ought to have been filed in the Court of Magistrate to which Kurla Police Station is attached.
4. It is also necessary to note that, the complaint is filed on the directions of this Court and therefore, also it cannot be tried by this Court. Trying the case by same Court which has filed it will violate the principle of natural justice i.e one cannot be the judge of his own cause.
5. In view of above circumstances, the objection of jurisdiction raised by accused is correct and therefore complaint needs to be returned to the complainant for filing before the jurisdictional Magistrate. Hence, the order :-

ORDER

- 1 Application Exh.17 is allowed.

- 2 The complaint is returned to the complainant for filing before the jurisdictional Magistrate as per law.

Dated : 06.08.2026

(V.S.Khandbahale)
Judicial Magistrate First Class,
30th Court, Kurla, Mumbai.

SSS.

C.N.R. No. MHMM13 002993-2024

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