

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2210 OF 2014

(Arising out of S.L.P.(Crl) No.3965/2013)

Daya Rani .. Appellant(s)

Versus

Gautam Prasad Chandoliya & Anr. .. Respondent(s)

O R D E R

Leave granted.

The facts of the present case are that the Judicial Magistrate No.23, Jaipur Metropolitan, Jaipur, had taken cognizance of an offence under Section 498-A IPC by the appellant against the respondent. Being aggrieved with the order of taking cognizance, a revision petition was filed by the respondent before the Additional District and Sessions Judge (Fast Track) Court No.8, Jaipur Metropolitan, Jaipur. The Revision Petition filed before the Additional District and Sessions Judge (Fast Track) Court No.8, Jaipur came to be dismissed. Thereupon, the appellant-wife has approached this Court against the order of the High Court which reversed both these views. The High Court has observed that there is no reason supporting the exercise of territorial jurisdiction having been articulated by the Judicial Magistrate and or by the Revisional Court. We are

unable to accept the impugned decision inasmuch as it quashes the complaint altogether.

After hearing learned counsel for the parties, we are of considered opinion that the impugned order may be set aside and the matter may be remitted back to the Judicial Magistrate No. 23, Jaipur Metropolitan, Jaipur for continuance of the proceedings under Section 498-A IPC. The Judicial Magistrate shall, however, at the appropriate time, consider the defences of the respondent accused including the contention that the Courts at Jaipur do not possess the territorial jurisdiction to entertain the complaints.

We order accordingly.

The appeal is disposed of accordingly.

.....J.
[VIKRAMAJIT SEN]

.....J.
[PRAFULLA CHANDRA PANT]

NEW DELHI,
OCTOBER 13, 2014.

ITEM NO.52

COURT NO.13

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No.3965/2013

(Arising out of impugned final judgment and order dated 05/02/2013 in CRLMP No. 196/2012 passed by the High Court Of Rajasthan At Jaipur)

DAYA RANI

Petitioner(s)

VERSUS

GAUTAM PRASAD CHANDOLIYA & ANR.
(with office report)

Respondent(s)

Date : 13/10/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE PRAFULLA CHANDRA PANT

For Petitioner(s) Mr. Basava Prabhu S. Patil, Sr.Adv.
Mr. Chinmoy Deshpande, Adv.
Ms. Daya Rani, Adv.
Mr. Abhishek Gupta, Adv.

For Respondent(s) Mr. Ashok K. Srivastava, Adv.
Mr. Vivek Sharma, Adv.

Ms. Ruchi Kohli, Adv.
Mr. Jayant Bhatt, Adv.
Ms. Nidhi Jaiswal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(USHA BHARDWAJ)
AR-CUM-PS

(SAROJ SAINI)
(COURT MASTER)

Signed order is placed on the file.