

L. N. Mukherjee vs The State Of Madras on 19 April, 1961

Equivalent citations: 1961 AIR 1601, 1962 SCR (2) 116

Author: Raghubar Dayal

Bench: Raghubar Dayal

PETITIONER:

L. N. MUKHERJEE

Vs.

RESPONDENT:

THE STATE OF MADRAS

DATE OF JUDGMENT:

19/04/1961

BENCH:

DAYAL, RAGHUBAR

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DAYAL, RAGHUBAR

SUBBARAO, K.

CITATION:

1961 AIR 1601 1962 SCR (2) 116

CITATOR INFO :

R 1963 SC1620 (23)

ACT:

Criminal Trial-jurisdiction-Court having jurisdiction to try offences committed in Pursuance of conspiracy, if can try the offence of criminal conspiracy-Code of Criminal Procedure, 1898 (V of 1898), SS. 177, 239-Indian Penal Code, 1860 (Act XLV of 1860), SS. 120-B, 420, 463.

HEADNOTE:

The appellant was committed to the Court of Session at Madras for trial under s. 120-B read with s. 420 of the Indian Penal Code and for committing the offence of forgery in pursuance of that conspiracy. The Criminal conspiracy was alleged to have been committed at Calcutta, while the other offences in

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pursuance thereof were committed at Madras. It was urged on behalf of the appellant that the Madras Court had no jurisdiction to try the offence of criminal conspiracy.

Held, that the court having the jurisdiction to try the offences committed in pursuance of the conspiracy, has also the jurisdiction to try the offence of criminal conspiracy, even though it was committed outside its territorial jurisdiction.

Purushottamdas Dalmia v. State of West Bengal, [1962] 2 S.C.R. 101, applied.

JUDGMENT:

CRIMINAL, APPELLATE JURISDICTION: Criminal Appeal No. 119 of 1960.

Appeal by special leave from the judgment and order dated April 14, 1960, of the Madras High Court in Cr. Misc. Petition No. 246 of 1960, D. N. Mukherjee, for the appellant.

M. S. K. Sastri and T. M. Sen, for respondent. 1961. April 19. The Judgment of the Court was delivered by RAGHUBAR DAYAL, J.-This appeal, by special leave, is against the order of the Madras High Court dismissing the application for quashing the commitment of the case against the appellant, to the Court of Session, for trial of offences of criminal conspiracy to cheat under s. 120-B read with s. 420, Indian Penal Code, and for the offence of forgery committed in pursuance of that conspiracy. The criminal conspiracy is alleged to have been committed at Calcutta. The other offences in pursuance of the conspiracy are alleged to have been committed within the jurisdiction of the Court of Session at Madras. The quashing of the commitment was sought on the ground that, the Courts at Madras had no jurisdiction to try the offence of conspiracy. The High Court did not accept the contention and dismissed the application.

The sole question for consideration in this appeal is whether the offence of conspiracy alleged to have been committed at Calcutta can be tried by the Court of Session at Madras.

We have held this day, in Purushottamdas Dalmia v. The State of West Bengal (1) that the Court having (1) [1962] 2S.C.R. 101.

jurisdiction to try the offence of criminal conspiracy can also try offences committed in pursuance of that conspiracy even if those offences were committed outside the jurisdiction of that Court, as the provisions of s. 239, Criminal Procedure Code, are not controlled by the provisions of s. 177, Criminal Procedure Code, which do not create an absolute prohibition against the trial of offences by a Court other than the one within whose jurisdiction the offence is committed. On a parity of reasoning, the Court having jurisdiction to try the offences committed in pursuance of the conspiracy, can try the offence of conspiracy even if it was committed outside its jurisdiction. We therefore hold that the order under appeal is correct and, accordingly, dismiss this appeal. Appeal dismissed.