

Devalla Venkateshwarlu Vs. State of A.P. and Another

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Court : Andhra Pradesh

Decided On : Jul-06-1999

Reported in : 1999(4)ALD329; 1999(2)ALD(Cri)31; 1999(2)ALT(Cri)167; 2000CriLJ798

Judge : Vaman Rao, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) -Sections 179, 180, 181(2) and 183; [Indian Penal Code \(IPC\), 1860](#) - Sections 354, 362, 363 and 366

Appeal No. : Crl. RC No. 442 of 1999

Appellant : Devalla Venkateshwarlu

Respondent : State of A.P. and Another

Advocate for Def. : Public Prosecutor

Advocate for Pet/Ap. : Mr. Alukunta Giridhar Rao, Adv.

Judgement :

ORDER

1. This Criminal Revision Case has been filed challenging the order of the learned Sessions Judge, Mahila Court, Vijayavada dated 1-2-1999 in Crl. MP No.21/99 in SC 136 of 1997. The petitioner herein has filed the said Crl. MP No.21/99 for discharging the petitioner-accused on the ground that the said Court had no

jurisdiction to try the offences alleged against the petitioner. A charge-sheet made available by the learned Public Prosecutor during the course of hearing discloses that the petitioner herein has been charged for offences punishable under Sections 354 and 363 of Indian Penal Code. The learned Sessions Judge, Mahila Court dismissed the petitioner holding that it had jurisdiction to try those offences in the facts and circumstances of the case. The said order is now challenged in this Revision.

2. The case of the prosecution against the accused-petitioner as revealed by the charge-sheet filed could be stated briefly as follows:

It is stated that the accused met the victim at Guntur Railway Station while she was coming from Nandyal on her way back to Visakhapatnam and enticed the said girl with affectionate words and took her out of the Railway Station, Guntur and purchased 'puries' for both of them and after consuming the same, while returning to the Railway Station, the accused placed his hands on her shoulders and pressed her breasts and pulled near to him. It is further stated that the accused brought the victim to berth No.40 of S-7 coach of 7016 Visakha Express and boarded it at Guntur Railway Station and that the victim sat separate from the accused for which he objected and asked her to sit near him. He inserted his hands into her jacket and pressed her breasts and placed his another hand touching her body and bent towards her and kissed her.

3. Learned Counsel for the petitioner contends that on the basis of facts enumerated above, the Sessions Court at Vijayawada has no jurisdiction to try the offence under Sections 354 and 363 IPC with which the petitioner is charged, having regard to the provisions under Sections 180 and 181 of the Code of Criminal Procedure. It may, however, be noted that in CrI.MP No.21/99 it is stated that the petitioner is charged with offences punishable under Sections 363, 362 and 366 IPC, but the charge-sheet discloses that the offences alleged against the petitioner are only in respect of Sections 354 and 363 IPC.

4. Learned Public Prosecutor opposes the petition on two grounds - firstly, it is contended that on facts, the Mahila Court at Vijayawada does have jurisdiction. Secondly, it is contended that at any rate, this very question was raised on behalf

of the petitioner in Criminal Petition No.674 of 1999 in this Court which was filed for the relief of quashing the charge against the petitioner on the question of jurisdiction. The Court, while disposing of Criminal Petition No.674 of 1999, specifically held that the Mahila Court at Vijayawada has jurisdiction in respect of offences punishable under Sections 354 and 363 IPC and as such this question could not have been raised again and on this ground this Revision itself is not maintainable.

5. The contention of the learned Counsel for the petitioner is that as stated in the charge-sheet, the victim was picked, up by the petitioner from Guntur Railway Station and act of kidnapping was completed by that act of picking up the victim at Guntur and as such, the Court at Vijayawada cannot have jurisdiction. Learned Counsel further submitted that Section 183 Cr.PC is not attracted to the facts of the case. Learned Counsel relies on a judgment of Punjab and Haryana High Court in the case of Jagannath and another v. State of Haryana, 1983 Cri.LJ 1574. In that case, the Punjab and Haryana High Court held that where a girl was kidnapped in the jurisdiction of one Court and the offence of rape took place in the jurisdiction of another Court, Section 179 Cr.PC is not attracted and the offences of kidnap and rape are to be tried separately by the Courts within whose jurisdiction the acts are committed. In the instant case Section 181(2) Cr.PC is applicable. It provides that in an offence of kidnapping or abduction, a person may be enquired into or tried by a Court within whose focal jurisdiction the person was kidnapped or abducted or was conveyed or concealed or detained. A reading of the charge-sheet makes it abundantly clear that the case of the prosecution is that the victim girl in this case was picked up at Guntur Railway Station and the accused travelled with her in a train and got down at Vijayawada Railway Station and detained the victim at Vijayawada. Thus, the requirement of Section 181(2) Cr.PC is fully satisfied from the allegations made in the charge-sheet. In this case, there can be no manner of doubt that the victim girl was picked up from Guntur Railway Station and was taken in a train and was 'conveyed' and 'detained' at Vijayawada. There can be no doubt that in respect of the offence of kidnap, the Court at Vijayawada does have jurisdiction. In regard to the offence under Section 354 IPC, the allegations in the charge-sheet disclose that the acts of out-raging the modesty of the victim girl were perpetrated during the journey from Guntur to

Vijayawada in the train. Section 183 Cr.PC provides that when an offence is committed whilst a person by or against whom or the thing in respect of which the offence is committed is in the course of a journey or voyage, the offence may be enquired into or tried by a Court through or within whose local jurisdiction that person or thing passes during the course of journey or voyage. This provision squarely applies to the facts in this case. The allegation is that while the petitioner was travelling with the victim in the train from Guntur to Vijayawada, the act of outraging the modesty of the victim was committed by the petitioner.

6. In the circumstances, there can be no manner of doubt that the Court at Vijayawada shall have jurisdiction in respect of the offence punishable under Section 354 IPC also. Thus, the order of the learned Sessions Judge, Mahila Court at Vijayawada that it had jurisdiction to try both the offences against the petitioner is perfectly in accordance with law. At any rate, as submitted by the learned Public Prosecutor, this question was already decided by this Court in an earlier proceeding filed by the petitioner in Criminal Petition No.674 of 1999. Thus, this question is no longer open to challenge.

7. In the result, the Criminal Revision Case is dismissed.