

**In Re: Dani and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/802607](http://sooperkanoon.com/802607)

**Court :** Chennai

**Decided On :** Sep-11-1935

**Reported in :** AIR1936Mad317

**Appellant :** In Re: Dani and ors.

**Judgement :**

ORDER

**Menon, J.**

1. The petitioners were charged by the police, under Section 420 read with Section 120-B, with criminal conspiracy for cheating the public at large. The charge was so understood by the Joint Magistrate also as his order shows. The question is whether, when, as in this case, the conspiracy was entered into in Bombay where the accused lived, the Joint Magistrate of Pollachi has jurisdiction to take cognizance of the offence. All that is urged in support of the view that he has, is that one or two acts of cheating were done within his jurisdiction. In my view this is insufficient to confer jurisdiction to try the charge of criminal conspiracy. Conspiracy was complete when the parties entered into such an agreement; and does not depend on the subsequent act of cheating. As the allegation is that it was in Bombay, where the accused reside that they entered into the conspiracy, the charge should have been laid there. The lower Court cannot be clothed with jurisdiction to try the charge of conspiracy merely because the conspiracy and the different acts of cheating might form part of the same transaction, and that the

charges in respect of them might be tried together. It can have jurisdiction only in respect of the acts of cheating alleged to have been committed within its jurisdiction. The proceedings before the lower Court are therefore quashed. This, of course, will not preclude the lower Court from taking cognizance of specific charges of cheating or the authorities from charging the accused for criminal conspiracy before the proper tribunal.

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