

BA-LLB 9th Sem
Criminal Procedure Code
BL-902

Jurisdiction of criminal court

Introduction:-

This chapter belongs to jurisdiction. This chapter is XIII, and section are 177 to 189. Sec 177 and 189 deals with the jurisdiction of Criminal Courts in inquiries and trial. In this context of the general principles for determining which shall be the proper court to inquire or try an offence. Jurisdiction means power or legal authority. The word jurisdiction is derived from Latin terms Juris meaning "law" and dicer or dicto meaning "to speak". So jurisdiction means "I speak by law". It can be defined as "the authority, which a court has to decide matters that are litigated before it or to take cognizance of matters presented in a formal way for its decision."

Meaning of Inquiry and Trial: -

Inquiry:- according to sec 2(g) Inquiry means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court.

Types of Inquiry: -

- 1) Judicial Inquiry
- 2) Non-judicial Inquiry
- 3) Preliminary Inquiry
- 4) Local Inquiry

Trial :- when the Inquiry stage comes to an end. It is the most important and third part of a judicial proceeding. It is the process by which the guilt of an allegation on a person is ascertained.

Types of Trial: -

- 1) Session trial
- 2) Warrant trial
- 3) Summons trial
- 4) Summary trial

Jurisdiction of Criminal Court: -

Ordinary place of inquiry and trial Sec 177: - Every offence shall ordinarily be inquired into and tried by court within whose local jurisdiction it was committed.

Original jurisdiction means a power of court to hear and decide a case before any appellate review. A trial court must necessarily have original jurisdiction over the types of cases it hears.

Place of inquiry or trial sec 178: -

- a) **Uncertain Area:**-When it is uncertain in which of the several local areas an offence is committed.
- b) **Doubtful Area:** -where an offence is committed in one local area and partly in another, it may be inquired into or tried by a court having jurisdiction over any of such local areas.
- c) **Continuing offence:** -where an offence is continuing one, and continues to be committed in more local areas than one, it may be inquired into or tried by a court having jurisdiction over any such local areas.
- d) **Different local areas:** -where it consists of serial acts done in different local areas it may be inquired into or tried by a court having jurisdiction over any of such local areas.

Satvinder Kaur v/s. State AIR(1999)8 SCC728 In this case held that where it is uncertain in which of the several local areas the offence was committed or where several acts are done in different local areas, it is said that offence can be inquired into or tried by a court having jurisdiction over any of such local areas .

Offence triable where act is done or consequence ensues sec 179: -Where an offence is incurable and triable by a court within whose local jurisdiction the act is done or consequence has ensued. for example.

A is wounded within the local jurisdiction of court X, and dies within the local jurisdiction of court Y. the offence of culpable homicide of A may be inquired into or tried by Court X or Y.

Place of trial where act is an offence by reason of relation to other offence sec180:-

When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an

offence ,the first mentioned offence may be inquired into or tried by a court within whose local jurisdiction either act was done.

For example -theft, to keep the stolen property.

Place of trial in case of certain offence sec 181: -

1) Certain Offence: - Like Thug, dacoity or escaping from custody.

According to sec 181 (1) such type of offence may be inquired into or tried by a court within whose local jurisdiction the offence was committed or accused person was found.

2) Kidnapping or Abduction: - According sec 181 (2) these offences may be inquired into or tried by a court within whose local jurisdiction.

3) Theft, Extortion, Robbery: - According to Sec 181(3) these offences may be inquired into or tried by a court within whose local jurisdiction ,the offence was committed or the stolen property was possessed, or received or retained.

4) Criminal Misappropriation, Criminal Breach of Trust:- According to Sec 181(4) these offence may be inquired into or tried by a court within whose local jurisdiction ,the offence was committed or any part of the property was received or retained or was required to be returned or accounted for ,by the accused person.

5) Possession of Stolen Property: -Sec 181(5) provides that any offence the possession of stolen property may be inquired into or tried by a court with in whose local jurisdiction the offence was committed or stolen property was possessed by any person who received or retained it.

Offence committed by Letters (sec 182): -

1) any offence which includes cheating may, if the deception is practiced is practiced by means of letters or telecommunication messages, be inquired into or tried by court within whose local jurisdiction such letters or messages were sent or were received.

2) Any offence of cheating and dishonestly inducing delivery of property may be inquired into or tried by a court within whose local jurisdiction the property was delivered by the person deceived or was received by the accused.

3) Any offence punishable under Sec494 or Sec 495 of Indian Penal Code may be inquired into or tried by a court within whose local jurisdiction.

- the offence was committed or

- The offender last resided with her or his spouse by the first marriage or
- The wife by the first marriage has taken up permanent residence after the commission of offence.

Offence committed on journey or voyage Sec 183:-When an offence is committed during in journey or voyage ,when the person by, or against whom ,or the thing in respect of which, the offence is committed .the offence may be inquired or trial by the court whose has local jurisdiction

Place of trial for offence triable together Sec 184: -when any offence is committed by any accused person, he may be charged with and tried at one trial for each such offence in sec 219,sec 220,sec 221.such offence may be inquired or tried by any competent court .

When the offence is committed by several person .they may be charged with and tried together in sec 223,such offence may be inquired or tried by any competent court, who has jurisdiction .

Power to order cases to be tried in different sessions divisions Sec 185: -the state Government may direct that any cases committed for trial in any district may be tried in any session division .this is the special power of its in this section .

Provided that such direction is not repugnant to any previously direction issued by the High Court or Supreme Court .

High Court to decide, in cases of doubt, district where inquiry or trial shall take place Sec 186: -where two or more Courts have taken cognizance of the same offence and a question arises here to whom of them ought to inquire or try that offence ,the question shall be decided –

- a) If the Courts are subordinate to the same High Court, by that High Court.
- b) If the Court are not subordinate to the same High Court ,by the High Court within the local limits of whose appellate criminal jurisdiction the proceeding were first commenced,

The main object of this section is to protect accused person ,who is harassed unnecessary for the same offence by the different court .

Power to issue summons or warrant for offence committed beyond local jurisdiction Sec 187:-when a magistrate of the first class sees reason to believe that any person has committed such offence within his local jurisdiction ,which is not

describe in sec 177 to 185 .but such offence under some law for the time being in force triable in India. such magistrate may inquire that offence as if it had been committed within local jurisdiction and send such person to the magistrate having jurisdiction to inquire or tried such offence, or if such offence is not punishable with death or life imprisonment and such person may be release on bail and take a bond with or without sureties .

Note when there are one or more Magistrates, send to the High Court for decided the jurisdiction. And the jurisdiction shall be decided by the High Court .

Offence committed outside India Sec 188:-When an offence is committed outside India –

a) By a citizen of India ,whether on high seas or elsewhere, or

b) By a person not being such citizen ,on, any ship aircraft registered in India,

He may be deal with in respect of such offence as if it had been committed at any place within India at which he may be found.

Provided that no such offence shall be inquired or tried in India except with the previous sanction of the Central Government

Receipt of evidence relating to offence committed outside India Sec 189:- When any offence is committed under sec 188 ,the competent court take evidence, who having the jurisdiction.

Exercise-

Q-1 Define jurisdiction?

Q-2 What is the place of inquiry or trial?

Q-3 Explain the original jurisdiction under sec 177?

Q-4Where will be the place of trial of offence committed on journey or voyage?

Q-5 Explain the provision of the place of trial in criminal cases under Cr.P.C ?

Reference:-

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