

CRL. RC. Nos. 553 and 554 of 2010

Station House Officer v. Kotak Mahindra Bank Ltd.

2010 SCC OnLine Mad 3365

(BEFORE C.T. SELVAM, J.)

The Station House Officer Police Station Kalkaji ..... Petitioner in  
both petitions

v.

Kotak Mahindra Bank Ltd. .... Respondent in both petitions

For Petitioner: Mr. Atul Kumar Srivastava, Senior Public Prosecutor Mr. J.C. Durairaj,  
Government Advocate.

CRL. RC. Nos. 553 and 554 of 2010

Decided on June 4, 2010

PRAYER: Petition is filed under Section 397 r/w 401 of the Criminal Procedure Code, to set aside the order passed by the Learned X Metropolitan Magistrate, Egmore, Chennai in CrI.M.P.Nos.983 and 985 of 2009.

#### O R D E R

These Revision Petitions are preferred against the order of the X Metropolitan Magistrate Court directing investigation u/s.156 (3) CrPC by the Station House Officer, Police Station Kalkaji, Delhi Police, New Delhi. Such Officer is the petitioner before this Court and is represented by Mr.Atul Kumar Srivastava, Senior Public Prosecutor and Mr.J.C.Durairaj, Government Advocate.

2. The order of the lower court has been passed upon a complaint by a bank alleging commission of offence by one of its credit card holders. The order of the lower court is, on the face of it, illegal. The order has been passed by a Metropolitan Magistrate. Section 16 of the CrPC reads as follows :

' 16. Courts of Metropolitan Magistrates--(1)In every metropolitan area,there shall be established as many Courts of Metropolitan Magistrates, and at such places, as the State Government may, after consultation with the High Court, by notification, specify.

(2) The presiding officers of such Courts shall be appointed by the High Court.

(3) The jurisdiction and powers of every Metropolitan Magistrate shall extend throughout the metropolitan area.'

Though the jurisdiction of the various Metropolitan Magistrates within a particular metropolis are coordinate, for the purpose of administrative convenience, they exercise jurisdiction in respect of particular police areas. Apparently, the lower court has failed to consider Section 16 of the CrPC or the import

thereof. The Magistrate has no jurisdiction to pass any direction which was to be obeyed by any police officer outside the metropolitan area of Chennai.

3. The next question would be whether it is necessary to issue notice on the Revision Petition to the complainant before the lower court. Where the order of the lower court

is on the face of it illegal, no purpose whatsoever would be served by hearing the complainant on the matter. This Court considers it unnecessary and purposeless to put the complainant on notice. The order of the lower court passed in CrI.M.P.Nos.983 and 985 of 2009 shall stand set aside.

4. It is informed that the same Court has passed similar orders in respect of various complaints. The Registry is directed to call for a report from the concerned court, on complaints in respect of which it has ordered investigation u/s.156(3) CrPC by the Officers in-charge of the Police stations beyond the metropolitan area of Chennai. Copy of this order may be communicated to all the Subordinate Courts. The Judicial Magistrates also would take note of Section 14 of the CrPC, which reads as follows :

'14. Local jurisdiction of judicial Magistrates-- (1) Subject to the control of the High Court, the Chief Judicial Magistrate may, from time to time, define the local limits of the areas within which the Magistrates appointed under Section 11 or under Section 13 may exercise all or any of the powers with which they may respectively be invested under this Code:

[Provided that the Court of a Special Judicial Magistrate may hold its sitting at any place within the local area for which it is established.]

(2) Except as otherwise provided by such definition, the jurisdiction and powers of every such Magistrate shall extend throughout the district.

(3) Where the local jurisdiction of a Magistrate, appointed under Section 11 or Section 13 or Section 18, extends to an area beyond the district, or the metropolitan area, as the case may be, in which he ordinarily holds Court, any reference in this Code to the Court of Session, Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall, in relation to such Magistrate, throughout the area within his local jurisdiction, be construed, unless the context otherwise requires, as a reference to the Court of Sessions, Chief Judicial Magistrate, or Chief Metropolitan Magistrate, as the case may be, exercising jurisdiction in relation to the said district or metropolitan area.]

5. The criminal revision petitions are ordered accordingly.

04.06.2010

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Index :Yes/No

Internet:Yes/No

To

The Public Prosecutor

Madras High Court

[Note: Issue order copy on 07.06.2010]

C.T.SELVAM, J.

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