

Harbans Lal

Vs

State of Haryana and Another

Criminal Appeal No. 153 of 1980

(G.T. Nanavati, S.R. Babu JJ)

11.11.1998

JUDGMENT

NANAVATI, J. –

1. A criminal proceeding has been initiated against the appellant pursuant to the complaint filed by the Deputy Collector of Customs and Central Excise, Chandigarh. The appellant approached the Punjab and Haryana High Court for getting the same quashed. As his contention that the Court at Ambala has no jurisdiction to try the criminal case filed against him was not accepted by the High Court and his application came to be dismissed, the appellant has filed this appeal.

2. The contention of the appellant is that the alleged offence as stated in the complaint took place somewhere between Rohtak and Delhi and therefore the Court of Special Judicial Magistrate, Ambala, can have no jurisdiction to try that offence. Having gone through the complaint, we find that the main allegation against the appellant and the other accused is that in pursuance of the conspiracy between them, gold was transported from Pakistan to a place near Bahadurgarh in Haryana. It is further stated therein that the goods had passed through Amritsar, Rohtak and then to Bahadurgarh. Prima facie, it appears that the goods had passed through Ambala also. Therefore, the Ambala Court will have jurisdiction to try the offence as carrying of smuggled goods is also an offence. The High Court was, therefore, right in dismissing the criminal miscellaneous application filed by the appellant.

3. However, it will be open to the appellant to move the appropriate forum for transfer of the case from the Court of Special Judicial Magistrate, Ambala, to any other court, if holding the trial at Ambala is likely to cause any undue inconvenience or prejudice to the appellant. If such an application is made, obviously it will have to be decided on its own merits.

4. The appeal is, therefore, dismissed.