

SUPREME COURT OF INDIA

Satya Prakash

Vs.

State of U.P.

CrI.A.No.1009 of 1997

(G. B. Pattanaik and R. P. Sethi, JJ.)

14.03.2000

ORDER

1. This appeal is directed against the order dated 7-1-1997 passed by the Delhi High Court in refusing to entertain the appellant's application with the prayer that a direction be given to an independent agency to inquire into the matter on the ground that the Delhi High Court has no territorial jurisdiction. There is no dispute that the alleged offence, if any, was committed outside the territorial jurisdiction of the Delhi High Court, but the appellant wants to contend that he did approach this Court in a petition under Article 32 of the Constitution and that petition was dismissed by an order dated 21-4-1995 with the observation that "the dismissal will not preclude the petitioner from moving the appropriate Court including the High Court of Delhi, if so advised." It also transpires that another similar application was filed which also had the same fate and there also it was mentioned that the petitioner may have the liberty to move the High Court.

2. Mr. Garg, learned counsel appearing for the appellant, contends that the aforesaid two orders must be construed to be a mandamus from this Court to the Delhi High Court to entertain and dispose of the matter on merits, if so advised, and the same having not been done, the High Court has failed to exercise the jurisdiction vested in law. We are unable to construe the aforesaid two orders passed by this Court conferring jurisdiction on the Delhi High Court to entertain the matter

over which it does not possess any territorial jurisdiction inasmuch as the offence was, admittedly, committed within the territorial jurisdiction of the Allahabad High Court. In that view of the matter, we see no infirmity with the impugned order.

3. This appeal, accordingly, is dismissed. Needless to mention that it would be open for the appellant to move the High Court of Allahabad under whose territorial jurisdiction the offence is alleged to have been committed.

Appeal dismissed.