Subject Name: Code of Criminal Procedure
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Introduction

Sections 177 through 189 within Chapter XIII of the Criminal Procedure Code, 1973 (CrPC) delineate the fundamental principles guiding the determination of the appropriate court for investigating or adjudicating an offence.

The foundational principle concerning local jurisdiction, as outlined in Section 177, stipulates that typically, every offence should be investigated or tried by a court within the geographical area where it occurred. The authority of a police officer to conduct an investigation hinges on numerous factors, including those enumerated in Sections 177, 178, and 181 of the CrPC.

An intriguing observation is the alignment of this principle with the grant of anticipatory bail by our courts. As far back as 1994, the Punjab and Haryana High Court in the case of ***Harfit Singh v. Union of India*** established that anticipatory bail may be granted by the High Court or Sessions Court possessing territorial jurisdiction over the location where the offence was committed. Recent inclinations from the Supreme Court of India seem to echo this perspective.

Subsequent sections, specifically Sections 178 through 186 and Section 188, significantly broaden the scope of "local jurisdiction" within which inquiries or trials of offences may occur. This expansion aims to alleviate potential inconveniences stemming from strict adherence to the fundamental rule outlined in Section 177. These sections' provisions are not mutually exclusive but rather cumulatively augment the options for initiating inquiries or trials, thereby facilitating the prosecution of offenders.

It's worth noting that Sections 177 to 189 are pertinent to inquiries or trials of offences and do not extend to proceedings under Chapter VIII (Security for keeping the peace and for good behaviour), Chapter IX (Order for maintenance of wives, children, and parents), or Chapter X (Maintenance of Public Order and Tranquility).

Basic Rule

Section 177 establishes the standard venue for inquiry or trial, stating, "Every offence shall ordinarily be inquired into and tried by a court within whose local jurisdiction it was committed."

This rule is grounded in practicality. Given the country's vast size, the distance of courts from the scene of the crime, and logistical challenges in transportation, it is deemed expedient and preferable for inquiries and trials to occur in the vicinity of the crime. This proximity ensures the availability of witnesses, thereby benefiting both the prosecution and the defence. Moreover, dispensing criminal justice in the locality of the crime enhances the sense of social security.

When the offence involves acts of omission, Section 177 mandates that the inquiry or trial be conducted by a court within the local jurisdiction where the omissions occurred.

Although the section employs the term "ordinarily," it signifies that this rule applies unless otherwise specified in the Code or any other law. This word choice indicates that the section is a general provision subject to the Code's special provisions or other laws. Furthermore, it underscores that the rule in the section is neither absolute nor mandatory.

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Offence Committed Partly in Different Local Areas

In situations where an offence occurs partly in one local area and partly in another, it is permissible for the inquiry or trial to be conducted by a court with jurisdiction over any of the involved local areas (Section 178(b)). Similarly, if an offence commences within the jurisdiction of one court and is concluded within the jurisdiction of another court, either of the two courts may conduct the trial.

Continuing offence

In cases where an offence is deemed to be continuing, persisting across multiple local areas, the inquiry or trial may be conducted by a court possessing jurisdiction over any of these local areas (Section 178(c)).

Notably, a conspiracy to commit an offence is regarded as a continuing offence. For instance, while the offence of kidnapping from lawful guardianship is not considered continuing, the offence of abduction falls under this category. Additionally, offences such as travelling without a valid passport are also classified as continuing offences.

Multiple Acts Constituting the offence in Different Local Areas

In instances where an offence comprises several acts conducted in various local areas, the inquiry or trial may be conducted by a court possessing jurisdiction over any of these local areas.

Offence Triable Where Act is Done or Consequences Ensued

Section 179 stipulates that when an act constitutes an offence due to actions taken and resulting consequences, the offence may be inquired into or tried by a court within the local jurisdiction where such actions occurred or where the consequences unfolded. The following examples illustrate this provision:

1. A sustains a wound within the jurisdiction of court X and subsequently dies within the jurisdiction of court Y. The offence of culpable homicide against A may be investigated or adjudicated by either court X or court Y.

2. A is threatened with harm within the jurisdiction of court X, leading him to deliver property to the threatening individual within the jurisdiction of court Y. The offence of extortion against A may be examined or prosecuted by either court X or court Y.

Section 179 assumes that the accused has performed an act resulting in a consequence, and the accused is being prosecuted for the offence stemming from both the act and its consequences. Furthermore, the locations where these consequences materialise are pertinent in determining the competent jurisdiction.

Section 181 reinforces this notion, emphasising that liability can also be attributed to the location where consideration is required to be provided.

The phrase "any consequence which has ensued" has been interpreted to encompass only those consequences essential to the alleged offence, excluding more remote outcomes. For instance, in a case involving forgery and the fabrication of a false document, where the offence occurred within the jurisdiction of court X, and the complainant received a copy of the document within the jurisdiction of court Y, it was ruled that court Y lacked jurisdiction to try the offence as receiving the copy of the document was not deemed a necessary consequence to constitute the offence.

Place of Trial Where Act is offence by Reason of Relation to Other offence

Section 180 delineates that when an act constitutes an offence due to its relation to another act that is also an offence, or would be an offence if the doer were capable of committing one, the first-mentioned offence may be investigated or adjudicated by a court within the local jurisdiction where either act occurred.

Additionally, it may be tried by the court within the local jurisdiction where the offence abetted was committed. However, if the criminal act for which abetment is given is not actually committed, this principle cannot be applied, and the offence of abetment can only be tried at the place where it occurred.

For instance, a charge of receiving or retaining stolen goods may be examined or prosecuted by the court within the local jurisdiction where the goods were stolen or by any court within the local jurisdiction where any of them was dishonestly received or retained at any time.

It's important to note that while the offence of criminal conspiracy and the offence committed in pursuit of the conspiracy may not strictly fall under the purview of the phrase "when an act is an offence by reason of its relation to any other act which is also an offence," courts have held that the court within the local jurisdiction where the conspiracy offence was committed also has jurisdiction to try the offence committed in furtherance of the conspiracy, even if the place of commission of the consequential offence is outside the local jurisdiction of such court.

In cases where an offence of cheating is committed by A by making a false representation to C at place X, and by inducing C to deliver property to A's abettor B at place Y, A and B can be jointly tried by either of the courts within the local jurisdiction where place X or place Y is situated. This possibility arises from the combined effect of Sections 179 and 180.



Place of Trial in Case of Certain Specific Offences

Section 181 of the Code of Criminal Procedure provides for alternative local jurisdictions concerning the inquiry or trial of specific offences:

1. offences such as being a thug, dacoity, murder committed by a thug, dacoity with murder, belonging to a gang of dacoits, or escaping from custody may be inquired into or tried by a court within the local jurisdiction where the offence was committed or where the accused person is found.

2. offences of kidnapping or abduction of a person may be inquired into or tried by a court within the local jurisdiction where the person was kidnapped or abducted, or where the person was conveyed, concealed, or detained.

3. offences of theft, extortion, or robbery may be inquired into or tried by a court within the local jurisdiction where the offence was committed, or where the stolen property subject to the offence was possessed by any person committing it, or by any person who received or retained such property knowing or having reason to believe it to be stolen property.

4. offences of criminal misappropriation or criminal breach of trust may be inquired into or tried by a court within the local jurisdiction where the offence was committed, or where any part of the property subject to the offence was received, retained, required to be returned, or accounted for by the accused person.

5. offences relating to the possession of stolen property may be inquired into or tried by a court within the local jurisdiction where the offence was committed, or where the stolen property was possessed by any person who received or retained it knowing or having reason to believe it to be stolen property.

6. offences involving cheating may be inquired into or tried by a court within the local jurisdiction where the deception was practised through letters or telecommunication messages, or where the property was delivered by the person deceived or received by the accused person.

These provisions ensure that offences are tried in the most appropriate jurisdiction based on the nature and circumstances of the offence.

Place of Inquiry or Trial When the offence is Committed on Journey or Voyage

Section 183 addresses situations where an offence occurs during a journey or voyage. In such cases, the offence may be inquired into or tried by a court within the local jurisdiction through or into which the person or thing involved passed during that journey or voyage. This provision aims to resolve uncertainties regarding the venue of trial that may arise due to the transient nature of the offence and the difficulty in determining its exact location. It ensures that the court at the termination point of the journey also has jurisdiction to try offences committed during the journey.

The terms "journey" and "voyage" are understood to denote continuous and uninterrupted travel. It's important to note that Section 183 applies solely to offences committed within India.

Place of Trial for offences Triable Together

Section 184 outlines the venue for trial when multiple offences can be charged and tried together or when several persons can be charged and tried jointly for different offences. In such cases:

(a) If an accused person can be charged and tried for multiple offences at one trial under Sections 219, 220, or 221, the trial may take place in any court competent to inquire into or try any of the offences.
(b) If multiple persons can be charged and tried together for different offences under Section 223, the prosecution has the flexibility to choose the venue for the trial.

These provisions offer alternatives for the venue of trial, ensuring efficiency and convenience in legal proceedings. Additionally, it's noted that Sections 219 to 223 may provide exceptions to Section 177, further expanding the options for trial venue.