

RC no.219/2018 EOO13 Dated 27.09.2018
u/s 120-B r/w 420,467,468,471 IPC & substantive offences thereof.
PS CBI/EO-01/NEW DELHI
Ashwani Kumar Chawla VS. CBI

20.05.2020

Present: Sh. Om Prakash ,Ld. PP for CBI along with IO SI Amarjeet Saroj
Sh. Madhukar Pandey along with Ms. Rukmini Mukherjee Ld.
counsels for applicant/accused

Due to spreading of Coronavirus and special measures taken by the Government to prevent it by ordering a nationwide lockdown, the hearing of this urgent anticipatory bail application has been conducted through video conferencing using Cisco Webex app after taking consent of both the parties in terms of directions issued by Ld. District & Sessions Judge RADC, New Delhi.

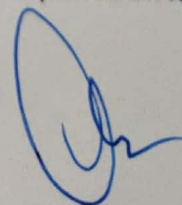
Replies to this application have been filed by IO through prosecuting agency. Copies already supplied through E-Mail to other side. Arguments heard at length.

Ld. PP has taken preliminary objection to the territorial jurisdiction of this court and has argued that present FIR stands transferred to the court of Special Judicial Magistrate (CBI) Ghaziabad, on the basis of place of offence and hence this court has no jurisdiction to hear and decide the instant application.

Ld. counsel for the applicant on the other hand has submitted that investigation of this case was always conducted at New Delhi office of CBI since last two years and further the cases u/s 138 N.I. Act against applicant were filed by complainant bank at Dwarka District Court New Delhi and even the Winding up petition was filed at Company Court New Delhi and therefore this court has territorial jurisdiction to decide this application. Further it was argued that even otherwise this court can entertain this application keeping in view the law laid down by Hon'ble Delhi High Court in case titled as Capt. Satish Kumar Sharma vs. Delhi Administration and others 1991 CrL LJ 950 as the applicant has reasonable apprehension that he would be arrested in Delhi.

It is undisputed that present FIR stands transferred to competent court at Ghaziabad on the basis of place of offence. Whether the applicant joined investigation at New Delhi office of CBI or elsewhere is of no consequence. Filing up of Winding up petition at New Delhi or the cases of cheque bouncing is also of no use as they have their own mechanism of deciding jurisdiction of court. The jurisdiction for a criminal offence is decided by the place of offence which in the present case was not at Delhi/New Delhi, so this court has no territorial jurisdiction to adjudicate present application.

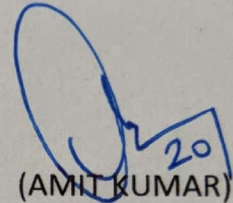
Coming to the judgement of Capt. Satish Sharma(supra) relied by Ld .counsel for applicant, the same is not applicable to the facts of this case . In that case before my lords the offence took place somewhere at PS Munshi Ganj District Sultanpur UP a far flung place from Delhi and as observed by my lords was a case of political rivalry and charge sheet was already filed. The Hon'ble High Court in para 26 of the judgement recorded that no two cases can be of similar facts and every case depends on its own facts and circumstances.



There are more than one case of similar nature against applicant and there is no reason as to why this court should entertain this application though offence took place some where else. Further Ghaziabad is not a far flung place and rather is adjacent to Delhi and a part of NCR India. Applicant can easily approach competent court there.

In view of above there is no need to go into the merits of the case. The instant application is dismissed for want of territorial jurisdiction.

The Incharge, computer branch is directed to upload the order on the website and provide the copy of the same to all concerned.

 20/5/2020
(AMIT KUMAR)

SPECIAL JUDGE, PC ACT
CBI-04, RADC, NEW DELHI