



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 23rd OF JUNE, 2026

MISC. CRIMINAL CASE No. 10278 of 2016

THE STATE OF MADHYA PRADESH

Versus

YASHWANT @ JASWANT AND OTHERS

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Appearance:

Shri Tapan Bathre - Advocate for the applicant.
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ORDER

The State has preferred this petition under Section 482 of the Code of Criminal Procedure being aggrieved by the order dated 29.06.2015 passed by the Judicial Magistrate First Class, Satna in Criminal Case No.3/2005 whereby the learned Magistrate, after holding that it lacked territorial jurisdiction to try the matter, proceeded to acquit the respondents.

2. Briefly stated, an FIR was lodged by complainant Smt. Rajni Jaiswal alleging commission of offences punishable under Sections 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act against the respondents. Upon completion of investigation, the police filed a charge-sheet before the Judicial Magistrate First Class, Satna. During the pendency of proceedings, the respondents raised an objection regarding territorial jurisdiction contending that the alleged acts of cruelty and demand of dowry had taken place at Raigarh, Mumbai, State of Maharashtra and, therefore, the Court at Satna had no territorial jurisdiction to try the offences. The said objection was initially rejected by the trial Court. Aggrieved



thereby, the respondents preferred Criminal Revision No.72/2014 before the learned 24th Additional Sessions Judge, Satna. The Revisional Court, by order dated 30.05.2015, allowed the revision and directed the trial Court to proceed in accordance with law after holding that it lacked territorial jurisdiction to prosecute the respondents. Thereafter, instead of returning the police report for presentation before the competent court, the learned Judicial Magistrate, by the impugned order dated 29.06.2015, acquitted the respondents without recording evidence and without conducting any trial.

3. It is pertinent to note that the State has not assailed the order dated 30.05.2015 passed by the learned Revisional Court whereby it was held that the Court at Satna lacked territorial jurisdiction to try the case. Consequently, the correctness or otherwise of the said finding, including the question whether the complainant/victim could have instituted the proceedings at the place where she had taken shelter, does not arise for consideration in the present proceedings. The scope of the present petition is, therefore, confined solely to examining the legality and propriety of the order dated 29.06.2015 passed by the learned Judicial Magistrate First Class, Satna, whereby the respondents were acquitted without trial after holding that the Court lacked territorial jurisdiction.

4. Learned counsel for the petitioner-State submits that an order of acquittal can be recorded only upon adjudication of the case after trial. Once the Court itself had found that it lacked territorial jurisdiction, it became functus officio for the purpose of trying the matter and could neither convict nor acquit the accused persons. It is submitted that the only legally



permissible course was to return the charge-sheet for being presented before the court having competent territorial jurisdiction.

5. Having heard learned counsel for the petitioner and upon perusal of the record, this Court finds substantial force in the submissions advanced on behalf of the State.

6. It is well settled that an order of acquittal presupposes adjudication of the guilt or otherwise of the accused upon consideration of the evidence adduced during trial. An acquittal cannot be recorded merely because the court lacks territorial jurisdiction to try the case. Once the revisional court had held that the Judicial Magistrate First Class, Satna had no territorial jurisdiction to try the offences alleged against the respondents, the Magistrate ceased to possess authority to enter into the merits of the prosecution or to pass an order terminating the proceedings by recording acquittal of the accused persons. A Court lacking jurisdiction cannot render a judgment either of conviction or of acquittal. The proper and lawful course available to the Magistrate was to return the police report for presentation before the court having competent jurisdiction in accordance with law.

7. The impugned order dated 29.06.2015, whereby the respondents have been acquitted without trial solely on the ground of lack of territorial jurisdiction, is therefore, manifestly illegal and suffers from patent jurisdictional error resulting in failure of justice. Permitting such an order to stand would unjustifiably foreclose prosecution of the offences without adjudication on merits by a competent Court.

8. Consequently, the petition is allowed. The order dated 29.06.2015



passed by the Judicial Magistrate First Class, Satna in Criminal Case No.3/2005 is hereby set aside. The learned Judicial Magistrate First Class, Satna is directed to return the police report/charge-sheet and all connected papers in accordance with law for being presented before the court possessing competent territorial jurisdiction. It is clarified that this Court has not expressed any opinion on the merits of the allegations against the respondents and all questions on merits are left open to be considered by the competent Court.

9. Petition stands allowed, accordingly.

(HIMANSHU JOSHI)
JUDGE