

## CRIMINAL REVISION.

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*Before Mallik and Remfry JJ.*

1932

April 15.

GOLAM RAHAMAN KHAN

*v.*

KALIPADA MANNA.\*

*Jurisdiction—Jurisdiction of a magistrate stationed at headquarters, what is—  
Code of Criminal Procedure (Act V of 1898), s. 12.*

In the absence of any limitation of jurisdiction by section 12(1) of the Code of Criminal Procedure, a magistrate stationed at headquarters of the district exercises jurisdiction under section 12(2) of the Code of Criminal Procedure throughout the whole of the district.

The material facts appear from the judgment of the Court.

*Heeralal Ganguli* for the petitioners.

*Sureshchandra Talukdar* for the opposite party.

The Deputy Legal Remembrancer, *Khundkar*, for the Crown.

MALLIK J. These two Rules were heard together. They arise out of two proceedings drawn up under section 107 of the Code of Criminal Procedure. What happened in the case was this. On a report of the police against a number of persons, two proceedings were started by the Sub-Divisional Magistrate of Uluberia under section 107 of the Code of Criminal Procedure. The cases, however, were transferred from Uluberia to Howrah Sudder by the District Magistrate of that place and the District Magistrate then transferred the two cases to Mr. Barua, a Deputy Magistrate exercising first class powers and stationed at Howrah. In the proceedings

\*Criminal Revision, Nos. 1173 and 1174 of 1931, against the order of S. Sen, Sessions Judge of Hooghly, dated Dec. 9, 1931, confirming the order of R. Barua, Deputy Magistrate of Howrah, dated Sep. 15, 1931.

which had been drawn up by the Sub-Divisional Magistrate of Uluberia, the petitioners had not been included in the list of persons against whom the proceedings were drawn up. Mr. Barua, however, after going through the police report was of opinion that those men also should have been included in the proceedings and thereupon he (Mr. Barua) drew up fresh proceedings against a number of men including the petitioners before us, except petitioner No. 3 in Revision Case No. 1174 of 1931. It is against the orders of Mr. Barua, whereby he drew up the proceedings against the petitioners under section 107, that the present Rules are directed.

The Rules were issued on two grounds. The first ground was that as the petitioners were men of Uluberia sub-division and as the alleged apprehension of a breach of the peace was within the local limits of the sub-division of Uluberia, Mr. Barua had no jurisdiction in the matter. Section 12 of the Code of Criminal Procedure is a full and sufficient answer to this contention. Mr. Barua was a magistrate exercising first class powers stationed at Howrah and the local area of his jurisdiction had never been defined under sub-section (1) of that section. That being so, his jurisdiction extended under sub-section (2) to the whole of the district of Howrah, including the place where the petitioners resided and also including the place where a breach of the peace was apprehended.

The second ground, on which the Rules were obtained, was that Mr. Barua had no fresh materials before him, justifying him in drawing up the proceedings against the present petitioners—the contention on behalf of the petitioners being that, on the same report on which Mr. Barua based his proceedings, the Sub-Divisional Magistrate of Uluberia had thought fit not to include the petitioners in the proceedings drawn up by him. Here also I am unable to find anything wrong in law done by Mr. Barua. Mr. Barua had before him the police

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report, which included the names of the petitioners, and the mere fact that the Sub-Divisional Magistrate of Uluberia had taken a different view of that police report in the circumstances of the case was no reason to prevent Mr. Barua from proceeding on the same police report and drawing up proceedings on the basis thereof under section 107 of the Code of Criminal Procedure. Mr. Ganguli for the petitioners could not point out any provision of the law which could be said to have been violated by Mr. Barua.

Both these Rules are, therefore, discharged.

REMFY J. I agree.

*Rules discharged.*

A. C. R. C.