

Quadrant II – Notes

Paper Code: LOC 0312/LOC 0112

Module Name: Inter and Extra Territorial operations

Module No: 06

Inter and Extra Territorial operations

Sec. 2: Punishment for offences committed in India

Ingredients:

- a) Every person shall be punishable
- b) Under this code
- c) For every act or omission against IPC
- d) He is liable in India
- Every person irrespective of his rank, nation, caste or creed is liable without any discrimination

EXCEPTIONS:

- 👤 President and Governor of a state shall not be answerable to any court during his office
- 👤 Ambassadors, Diplomatic agents, Foreign Sovereign, Warship of foreign states, alien enemies – exempted as per established principles of International Law
- With in India means the land within it
- Territorial jurisdiction up to 12 n. miles-from appropriate base line

Mubarak Ali Ahmed v. State of Bombay AIR 1957 SC 857

- ⊖ Pakistani national (Karachi) made false representations to the complainant at Bombay by letters, telegrams and telephonic calls
- ⊖ Extradition -accused he was arrested in England to Bombay.
- ⊖ He was tried under *Sec.420* of IPC
- ⊖ Lower court convicted him
- ⊖ HC confirmed the sentence
- ⊖ Two issues raised before the SC
 - Trial was legal-offence punishable under *Sec.420*, found in India
 - Indian courts had jurisdiction over the accused

Sec 3: offences committed beyond but by law may be tried in India

Ingredients:

1. Any person is liable
2. For any act committed beyond India

3. In accordance to the provisions of IPC

4. In the same manner as if it had been committed in India

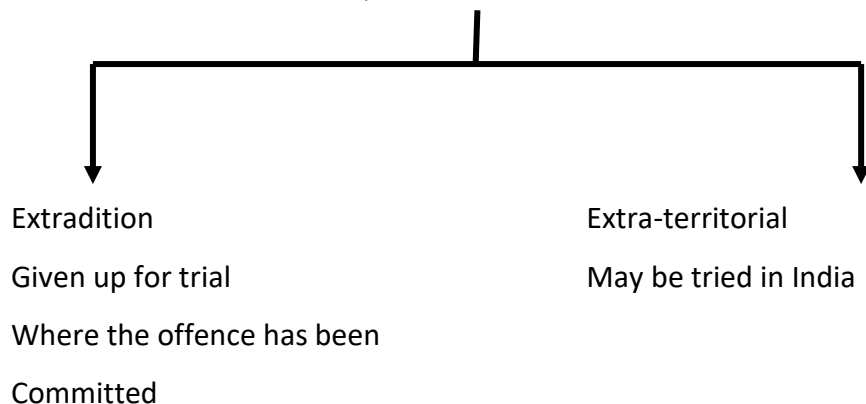
- ⊗ This Section tried the cases mentioned in Extradition Act, 1962 and Cr.P.C, 1973 (Secs. 188 & 189 offences outside INDIA)

Sec. 4: Extra territorial operations of the code

Ingredients:

1. Any citizen of India or any other person
2. In any place without and beyond India
3. On any ship, aircraft-registered in India
4. Wherever it may be
5. The offender is punishable by the IPC

Offence committed outside India, offender found in India –there are 2 options



a) Extradition:

- Surrender of criminals by 1 state to other
- The criminal is accused or convicted of an offence
- It is a political act in pursuance of treaty or arrangement
- Surrender of a Fugitive offender depends upon where the offence was committed

Charles Shobhraj-notorious criminal, bikini killer –arrested in India underwent sentence after that he was handed over to Nepal

Dharma Teja-shipping Tycoon-

- ☺ Series of offences of cheating a shipping corporation in India and misappropriated crores of rupees
- ☺ Escaped to Cuba-refused extradition
- ⊗ When he came to England –extradition and sentenced to 5 yrs imprisonment

b) Extra Territorial operations:

Indian courts are empowered to try offences outside India

l). Land:

Sec 3 and 4 of IPC and Sec.188 of Cr.P.C

- ▶ Person must be Indian
- ▶ Found in India
- ▶ Offence is punishable under IPC

Joyce v. DPP 1946 AC 347

- ⇒ II world war –British born citizen with the help of English passport went to Germany
- ⇒ Campaigned against England - fictitious names by his broadcast
- ⇒ Cessation of war –prosecuted in England for treason
- ⇒ Trial Judge –Death sentence
- ⇒ Court of Appeal and House of Lords-confirmed the sentence



II). Admiralty jurisdiction:

- ☺ Territory of the State includes its ships
- ☺ Jurisdiction of the court to try the offences committed on the high seas- Admiralty jurisdiction

This jurisdiction extends to

1. Offences committed on Indian ships
2. Wherever the ship may be
3. Ship must be regd. In India
4. Offences committed on a foreign ship in Indian territorial water
5. Piracy

Chotalal Babar's (1912) 14 BomLR 1147

- ☺ Foreigner without justification inflicted a blow on another foreigner in a foreign vessel on high seas
- ☺ Whether the criminal courts in India can punish the offender for culpable homicide
- ☺ General rule the offender was not liable
- ☺ In the present case the offender is liable in India

➤ Piracy:

- ▶ Offence committed on the high sea -robbery, dacoity, theft
- ▶ Offence may be committed in the same ship
- ▶ Committed by one ship against another ship

III). Aircraft:

- ▶ Any Indian Citizen or any other person
- ▶ Aircraft should be registered in India
- ▶ Wherever the aircraft may be
- ▶ Liable with in India