



CNR: KAHC010655152026

NC: 2026:KHC:53222
CRL.P No. 14692 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14692 OF 2026

BETWEEN:

NARESH GOWDA
S/O. CHALUVARAMAIAH,
NOW AGED ABOUT 47 YEARS,
R/AT NO. 571, 2ND BLOCK,
2ND 'B' MAIN ROAD,
NAGARABHAVI,
BENGALURU - 560 072.

...PETITIONER

(BY SRI. K.A. CHANDRASHEKARA, ADVOCATE)

AND:

K.M. PREMAKUMARI
S/O. A. KUMARASWAMY,
NOW AGED ABOUT 55 YEARS,
R/AT NO. 507, WARD NO. 166,
NEAR CANARA BANK,
AADHARSHA NAGARA,
ARISHINAKUNTE,
BENGALURU RURAL - 562 123.

...RESPONDENT

THIS CRL.P IS FILED U/S 407 OF CR.PC (FILED U/S 447
BNNS) PRAYING TO WITHDRAW A CASE IN CC NO.308/2024
NOW PENDING ON THE FILE OF THE HONBLE SR.CIVIL JUDE
AND JMFC BELUR HASSAN DISTRICT AND TRANSFER TO



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HONBLE CJM BENGALURU FOR TRIAL OF THE ABOVE CASE FOR THE OFFENCES P/U/S 138 OF N.I ACT.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

This petition under Section 447 of BNSS, 2023, is filed by the accused with a prayer to withdraw C.C.No.308/2024 pending before the Court of the Senior Civil Judge and JMFC, Belur, Hassan District and transfer the same to the Court of the Chief Judicial Magistrate, Bengaluru, for the purpose of trial and disposal of the case, in accordance with law.

2. Heard the learned counsel for the petitioner.

3. The respondent herein has filed a private complaint before the Court of the Senior Civil Judge and JMFC, Belur, Hassan District against the petitioner herein,



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for the offence punishable under Section 138 of Negotiable Instruments Act, 1881.

4. The learned Magistrate, after recording the sworn statement of the respondent/complainant, has taken cognizance of the alleged offence against the petitioner and has issued summons. The petitioner, who has entered appearance before the Trial Court, is before this Court, seeking transfer of the said case to the Court of the Chief Judicial Magistrate, Bengaluru.

5. Learned counsel for the petitioner has reiterated the grounds urged in the petition and submits that both the petitioner and the respondent are residents of Bengaluru and if the case pending at Belur, Hassan District is transferred to Bengaluru, it would be helpful to both the parties.

6. Material on record would go to show that, in the cause title of the complaint as well as in the legal notice issued to the accused on behalf of the complainant, the



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address of the complainant is shown as resident of Bengaluru Rural District.

7. The cheque in question was drawn on Bank of Baroda, Ujjani Branch, Tumkur by the petitioner in favour of the respondent, which was presented by the respondent for realisation through Karnataka Bank, Belur Branch, Hassan District. It appears that it is under these circumstances, the complaint has been filed by the respondent/complainant before the Jurisdictional Court at Belur in Hassan District. The complaint was filed in the month of October, 2024 and the order sheet of the learned Magistrate in C.C.No.308/2024 would go to show that, for the last more than one year, the case is at the stage of cross-examination of PW-1. The petitioner, who has failed to cross-examine PW-1 for the last more than one year, has now approached this Court with a prayer to transfer the case to the Court of the Chief Judicial Magistrate, Bengaluru.



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8. It is not the case of the petitioner that the Court at Belur, Hassan has no jurisdiction to try the case. As stated earlier, the respondent is a resident of Bengaluru Rural District and not a resident of Bengaluru City. Therefore, it cannot be said that it would be convenient even for the respondent, in the event if the case pending before the Court of Jurisdictional Magistrate at Belur is transferred to the Court of the Chief Judicial Magistrate, Bengaluru. The accused cannot ask the complainant to prosecute him before the Court of his convenience. Under the circumstances, I do not find any reason to entertain this petition. Accordingly, the following:

ORDER

This criminal petition is ***dismissed***.

Pending applications, if any, do not survive for consideration.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS/List No.: 1 SI No.: 22