

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1057 OF 2015

Trans-Fabs Power India Pvt. Ltd. & Ors. .. Petitioners
Versus
Rakhi Kanahalal Mirani & Anr. .. Respondents

WITH

WRIT PETITION NO.1058 2015

Trans-Fab Power India Pvt. Ltd. & Ors. .. Petitioners
Versus
Kanayalal Revachand Mirani & Anr. .. Respondents

WITH

WRIT PETITION NO.1059 OF 2015

Trans-Fab Power India Pvt. Ltd. & Ors. .. Petitioners
Versus
Kanayalal Revachand Mirani & Anr. .. Respondents

WITH

WRIT PETITION NO.1060 OF 2015

Trans-Fab Power India Ltd. & Ors. .. Petitioners
Versus
Rakhi Kanayalal Mirani & Anr. .. Respondents

WITH

WRIT PETITION NO.1061 OF 2015

Trans-Fab Power India Pvt. Ltd. & Ors. .. Petitioners

Versus
Rakhi Kanayalal Mirani & Anr. .. Respondents

WITH

WRIT PETITION NO.1062 OF 2015

Trans-Fab Power India Pvt. Ltd. & Ors. .. Petitioners
Versus
Rakhi Kanayalal Mirani & Anr. .. Respondents

WITH

WRIT PETITION NO.1063 OF 2015

Trans-Fab Power India Pvt. Ltd. & Ors. .. Petitioners
Versus
Kanayalal Revachand Mirani & Anr. .. Respondents

Mr.Pramod N. Patil for petitioners
Mr.V.B.K.Deshmukh, APP for State.

CORAM : M.L.TAHALIYANI, J.

DATE : 24th April 2015.

P.C.

1] Heard learned Counsel for the petitioners. The present petitions impugn the order passed by the learned Additional Sessions Judge in Criminal revision applications arising out of the orders passed by the Magistrate in various cases under section 138

of the Negotiable Instruments Act, rejecting the prayer of the applicants to return the complaint to the complainant.

2] In view of the Judgement of the Apex Court in the matter of Dashrath Rupsingh Rathod Vs. State of Maharashtra (2014) 9 S.C.C. 129, the contention of the applicants before the trial court was that the complaints have not reached the stage of section 145(2) of the N.I.Act and, therefore, they were required to be returned to the complaint for being presented before the court within whose jurisdiction the cheques had been dishonoured. The cheques had been dishonoured at Bank of India Shivajinagar Branch, Pune.

3] The learned Magistrate turned down the plea on the ground that the stage under section 145(2) had already reached. Learned Additional Sessions Judge has rejected all the revision applications.

4] I have gone through the evidence of P.W.1 recorded in all the cases. The P.W.1 has filed his affidavit of evidence and he was further examined by the Magistrate and, was also cross examined

by the learned Advocate for the applicants to some extent. As such, it is obvious that the stage of section 145(2) of N.I.Act has not only reached but it is already over. The present petitions appear to be totally misconceived. Hence, the same are dismissed summarily.

(M.L.TAHALIYANI, J.)