

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION (CWP) NO. 245 OF 2015

(Idea Cellular Limited vs. State of Maharashtra thr. the Secretary, Ministry of Law & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
JUNE 29, 2015.**

Heard Shri M. Anil Kumar, learned counsel for the petitioner - company and Shri Doifode, learned APP for the respondents.

Shri Anil Kumar, learned counsel submits that this petition under Articles 226 & 227 of the Constitution of India, was filed for limited purpose of a direction to arrange for refund of Court fee along with return of complaint for its presentation to proper Court. He submits that about 69 such complaints were filed and to be returned. As Court fee amount was small, seeking its refund by moving separate application was cumbersum and not viable. He states that now from 15.06.2015, provisions of Negotiable Instruments Act have been amended and Section 142A has been added.

According to him, as per that provision, the Court in which complaint has been originally filed is given jurisdiction and, therefore, the complaints can

continue there. He, therefore, submits that as such there is no question of refund of Court fee as the orders by which the return of complaint has been directed is rendered infructuous.

The learned APP is disputing this.

We find that by a reasoned order, the Court of J.M.F.C. has returned the complaints. In this situation, we grant the petitioner leave to point out the amended provisions of Section 142A of the Negotiable Instruments Act, to the very same Court with a request to that Court to further take up the complaints by it thereby obviating the need of refund of court fees.

Hence, with said liberty and keeping all rival contentions of the parties open, we dispose of the present Criminal Writ Petition. No costs.

JUDGE

JUDGE

*GS.