

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Crl.MC.No. 1395 of 2015 ()

**IN CC 1260/2014 of J.M.F.C.-I, THRISSUR
IN CRRP 70/2014 of D.C. & SESSIONS COURT, THRISSUR**

PETITIONER(S)/PETITIONER/REVISION PETITIONER/COMPLAINANT:

**DR.K. MAHESH MENON, AGED 39 YEARS
S/O.T.A.RADHAKRISHNA MENON, MALIKAPARAMBIL HOUSE
ANNAMANADA DESOM, KALLOOR THEKKUMURI VILLAGE
MUKUNDAPURAM TALUK, THRISSUR DISTRICT-680741.**

**BY ADVS.SRI.N.M.MADHU
SRI.P.P.HARRIS
SMT.C.S.RAJANI**

RESPONDENT(S)/RESPONDENT/RESPONDENT/ACCUSED:

- 1. HATIS CORE ENGINEERING TECHNOLOGIES PVT.LTD,
REPRESENTED BY ITS DIRECTOR MR.SATCHIDANANDA THRIPATHY
105, ROMA CROSS WINDS, BROOKE FIELD
KUNDALAHALLI, MARATHAHALLI, MARATHAHALLI.P.O
BANGALORE-560037, KARNATAKA STATE.**
- 2. MR.SATCHIDANANDA THRIPATHY,
S/O.INDRAMANI THRIPATHI, RESIDING AT P4
ROMA CROSS WINDS, BROOKE FIELD, KUNDALAHALLI
MARATHAHALLI.P.O, BANGALORE-560037, KARNATAKA STATE.**
- 3. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R3 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1395 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A TRUE COPY OF THE COMPLAINT IN C.C.1260/14 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-1,THRISSUR

ANNEXURE-B PHOTOCOPY OF THE ORDER DATED 28.10.2014 IN C.C.1260/14

ANNEXURE-C CERTIFIED COPY OF THE ORDER DATED 27.01.2015 IN CRL.R.P.70/2014.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1395 of 2015

Dated this the 10th day of March, 2015.

O R D E R

The petitioner herein is the complainant in a prosecution brought under Section 138 of the Negotiable Instruments Act. His complaint was returned by the learned Judicial First Class Magistrate Court – I, Thrissur on the ground of territorial jurisdiction, in view of the position recently settled by the Hon'ble Supreme Court. His contention is that the cheque in question is an 'at par' cheque which can be presented in any branch of the Bank, and so the cheque can be presented at any place where dishonour is intimated. The learned counsel for the petitioner submits that for the time being, he would not like to make submissions on this issue. However he will be satisfied, if he is given some reasonable time to represent the complaint in the appropriate court. The complaint was returned by the court below on 28.10.2014. The period of 30 days has now expired. He came before this court on the bonafide belief that he will get orders in his favour on the ground that the cheque is an 'at par' cheque. Anyway, I am not inclined to go to the legal aspects at this stage, when the

petitioner only wants some time to represent the complaint in the proper court. The learned counsel submits that he would like to withdraw the proceeding with liberty to represent the complaint in the proper court within a reasonable time granted by this court.

The submissions made by the learned counsel are accepted and recorded, and accordingly this Crl.M.C is closed as withdrawn, however granting time to the petitioner till 21.3.2015 to represent the complaint in the proper court having territorial jurisdiction.

P.UBAID,
JUDGE

sab