

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Cr1.MC.No. 3258 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CMP 9022/2014 of J.M.F.C.-I, ALAPPUZHA

AGAINST THE ORDER/JUDGMENT IN ST 207/2013 of J.M.F.C., VAIKOM

PETITIONER(S) /COMPLAINANT:

K.D.SASIDHARAN AGED 57 YEARS
S/O.DIVAKARAN, KAKKALAMTHARA VEEDU, T.V.PURAM PO
VAIKOM, PIN:

BY ADVS.SRI.DARSAN SOMANATH
SRI.P.S.ANAGHAN

RESPONDENT(S) /ACCUSED/STATE:

1. RADHAKRISHNAN
S/O.SREEDHARAN, PUTHENPURAKKAL VEEDU, SOUTH ARYAD
AVALOOKUNNU PO, ALAPPUZHA 688001

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA

BY PUBLIC PROSECUTOR SMT.SAREENA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 3258 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1:THE TRUE COPY OF THE COMPLAINT, VIZ, ST.307/2013 FILED BY
THE PETITIONER BEFORE JFCM, VAIKOM

ANNEXURE A2:THE TRUE COPY OF THE PROOF AFFIDAVIT FILED BY THE
PETITIONER DATED 14.08.2014 BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, VAIKOM

ANNEXURE A3:THE TRUE COPY OF THE ORDER OF JFCM, VAIKOM IN ST.307/2013
DATED 05.09.2014

ANNEXURE A4:THE ORIGINAL PROCEEDING SHEET OF JUDICIAL FIRST CLASS
MAGISTRATE COURT I, ALAPPUZHA IN CMP.9022/2014

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

vgs

B.KEMAL PASHA, J.

.....
CRL. M.C. No. 3258 of 2015
.....

Dated this the 15th day of September, 2015

ORDER

Petitioner is the complainant in S.T.No.207/13 of the Judicial First Class Magistrate's Court-II, Vaikom for the offence punishable under Section 138 of the Negotiable Instruments Act. Based on the decision in **Dashrath Rupsingh v. State of Maharashtra**[2014(3) KLT 605(SC)], the matter was returned for presentation before the Judicial First Class Magistrate's Court-I, Alappuzha within whose jurisdiction the drawer Bank is situated. Presently, amendment has been brought out to the N.I.Act whereby the jurisdiction is conferred on the payee Bank in which the cheque has been presented. In this case, the cheque was presented at the Bank within the jurisdiction of the Judicial

First Class Magistrate's Court-I, Vaikom. Apart from that, the evidence in this case has been commenced before the Judicial First Class Magistrate's Court-II, Vaikom. Matters being so, the proceedings are necessarily to be transferred from the Judicial First Class Magistrate's Court-I, Alappuzha where it is pending as CMP No.9022/2014, to the Judicial First Class Magistrate's Court-II, Vaikom.

In the result, this CrI.M.C. is disposed of by transferring CMP No.9022/2014 pending before the Judicial First Class Magistrate's Court-I, Alappuzha to the Judicial First Class Magistrate's Court-II, Vaikom.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge