

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Cr1.MC.No. 6501 of 2014

AGAINST THE ORDER IN ST 55/2014 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT I, TIRUR DATED 20-09-2014

PETITIONER/COMPLAINANT:

AHAMMED.P, AGED 47 YEARS,
MANAGING PARTNER OF MAJESTIC JEWELERS,
THAZHEPPALAM,
P.O. TIRUR, MALAPPURAM.

BY ADV. SRI.DEVAPRASANTH.P.J.

RESPONDENT/STATE/ACCUSED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN:682 031.
2. RAJMOHAN K.V., AGED 50 YEARS,
THANDASSERI HOUSE, CHIRAKKAL, P.O. TANUR,
PIN:676 302.

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6501 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE ORDER DATED 20.9.2014 PASSED IN ST NO. 55 OF 2014 BY THE HONOURABLE JFCM-I-TIRUR.

ANNEXURE II: COPY OF THE CHEQUE BEARING NO.075171 DATED 25.10.2013 DRAWN ON STATE BANK OF INDIA PARAPPANANGADI BRANCH, ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.

ANNEXURE III: COPY OF THE DOCKET OF THE FILE DATED 20.10.20014 PUT FOR PRESENTING BEFORE JFCM-I, PARAPPANANGADI.

ANNEXURE IV: COPY OF THE BANK MEMO ISSUED BY STATE BANK OF INDIA, THAZHEPALAM, TIRUR BRANCH DATED 4.11.2013 IN RESPECT OF CHEQUE BEARING NO.075171.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6501 of 2014

Dated this the 5th day of February, 2015

O R D E R

The petitioner herein is the complainant in a prosecution brought under Section 138 of the Negotiable Instruments Act. The learned Judicial First Class Magistrate I, Tirur, returned the complaint for presentation before the proper court in view of the recent decision of the Hon'ble Supreme Court regarding territorial jurisdiction. He accordingly re-presented it before the Judicial First Class Magistrate Court I, Parappanagadi. His grievance is that the learned Judicial First Class Magistrate at Parappanagadi declined to receive the complaint saying that the Court at Parappanagadi also will have no jurisdiction. The report now submitted by the learned Judicial First Class Magistrate I, Parappanagadi is not really satisfactory. When a complaint is presented or re-presented in a court of law, it will have to be received, and if the judicial officer finds that the court has no jurisdiction, the officer will have to pass a judicial order. This is the proper and legal way. Anyway, in the present circumstances, I feel that the petitioner can be

permitted to re-present the complaint before the learned Judicial First Class Magistrate I, Parappanangadi within a particular period. He re-presented the complaint within time, but the learned Magistrate declined to receive it. In such a situation, the petitioner cannot be blamed for the delay.

In the result, this Criminal Miscellaneous is allowed. The petitioner is permitted to re-present the complaint before the learned Judicial First Class Magistrate I, Parappanagadi within seven days from this date. The learned Magistrate will receive the complaint and pass appropriate orders. If he finds that, his court has also no jurisdiction, appropriate judicial orders shall be passed.

**P.UBAID
JUDGE**

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