

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Tr.P(Crl.).No.37 of 2015

**AGAINST THE LP NO.50/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT,NEDUMKANDOM TO ADDITIONAL CHIEF JUDICIAL MAGISTRATE
COURT,ERNAKULAM.**

PETITIONER:

**K.M.SHAMSUDHEEN,S/O.MAMMU,AGED 65 YEARS,
KALARIKKALPARAMBU,NETTOOR P.O.,MARADU VILLAGE,
KANAYANNUR TALUK,ERNAKULAM DISTRICT.**

BY ADV.SRI.P.M.ZIRAJ

RESPONDENTS:

- 1. M/S.CAPITAL CREDIT SYNDICATE,PONOTH ROAD,
OPP.TVS JUNCTION,KALOOR,KOCHI-17,
REPRESENTED BY ITS MANAGER.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.**

R2 BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

**THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE 1:TRUE COPY OF THE COMPLAINT SUBMITTED BY THE FIRST
RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, NEDUMKANDAM.**

**ANNEXURE 2:TRUE COPY OF THE CHEQUE ALLEGEDLY ISSUED BY THE
PETITIONER BEARING NO.062441 DATED 14.2.2007 DRAWN ON
THE FEDERAL BANK LIMITED.**

**ANNEXURE 3:TRUE COPY OF THE LAWYER NOTICE DATED 21.2.2007 ISSUED BY
THE FIRST RESPONDENT.**

**ANNEXURE 4:TRUE COPY OF THE POSTAL RECEIPT OF EXHIBIT P3 LAWYER
NOTICE.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.
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**Tr.P (Crl) No.37 of 2015**  
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Dated this the 26th March, 2015

ORDER

The petitioner herein is the sole accused in a prosecution brought under Section 138 of the Negotiable Instruments Act before the Judicial First Class Magistrate's Court, Nedumkandam. The case now stands transferred to the register of long pending cases as L.P No. 50 of 2010. In view of the warrant of arrest now pending against him, he seeks transfer of the case on the ground of territorial jurisdiction. Much probe is not required to find that this application is a short cut. He will have to surrender before the learned Magistrate and obtain bail. I do not think that the learned Magistrate will mechanically remand him to judicial custody when the offence is bailable. If that court has no jurisdiction to try the offence, the petitioner can very well make application before the learned Magistrate to return the complaint. If the learned Magistrate is convinced that, the court has no jurisdiction, the complaint will definitely be returned. If it is decided otherwise, he can

approach this Court for necessary relief.

With these observations, this Transfer Petition is disposed of.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge