

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937**

**Tr.P(Crl.).No. 61 of 2015**  
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**ST 326/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - III, ALUVA,  
ERNAKULAM TO OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1 ALAPPUZHA**  
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**PETITIONER(S)//ACCUSED:**  
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**BAIJU,  
PROPRIETOR, M/S.FAROOQ CONSTRUCTIONS, FATHIMA BUILDING,  
NEAR VAZHICHERI BRIDGE, ALAPPUZHA.**

**BY ADVS.SRI.ANIL K.MOHAMMED  
SRI.V.S.MANSOOR**

**RESPONDENT(S)/COMPLAINANT & STATE:**  
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- 1. THE CHIEF EXECUTIVE OFFICER,  
INFORPARK, THAPASYA BUILDING, KUSUMAGIRI P.O.,  
KOCHI - 682 030.**
- 2. STATE OF KERALA,  
REP. BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM.**

**R1 BY ADVS. SRI.JAGAN ABRAHAM M.GEORGE  
SRI.P.JAYABAL MENON  
SMT.K.J.GISHA**

**R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION  
ON 02-11-2015, ALONG WITH TPCR. 62/2015, THE COURT ON  
THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

Tr.P(Crl.).No. 61 of 2015  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**

ANNEXURE A: A PHOTOCOPY OF COMPLAINT IN S.T.268 OF 2010.

ANNEXURE B: A PHOTOCOPY OF COMPLAINT IN S.T.326 OF 2010.

ANNEXURE C: A PHOTOCOPY OF COMPLAINT IN S.T.105 OF 2012.

**RESPONDENT(S)' ANNEXURES:**

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

**B.KEMAL PASHA, J.**

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Tr.P.(Crl).Nos. 61 & 62 of 2015

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*Dated this the 2<sup>nd</sup> day of November, 2015*

**ORDER**

The petitioner, who is the accused in S.T.No.326 of 2010 and S.T.No.268 of 2010 of the Judicial First Class Magistrate's Court-III, Aluva, for the offence under Section 138 of the Negotiable Instruments Act, has sought for the transfer of those two cases to the Judicial First Class Magistrate's Court-I, Alappuzha, where another case against the parties, is pending.

2. As per the recent amendment of the Negotiable Instruments Act, the cases relating to the offence under Section 138 of the Negotiable Instruments Act have to be tried at the courts within whose jurisdiction the cheque has been presented by the drawee. In cases wherein the evidence has been commenced, any such transfer is also not called for.

In the result, these Transfer Petitions (Criminal) are not maintainable, and hence dismissed.

Sd/-

**B.KEMAL PASHA**  
**JUDGE**

DSV/2/11/15

// True Copy //

P.A To Judge