

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Tr.P(Crl.).No. 41 of 2014 ()

IN ST 199/2012 of CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM

PETITIONER(S)/COMPLAINANT:

**V.R PRADEEP, AGED 39 YEARS
S/O.VAZHAKULATH RAMDAS, VAZHAKULATH HOUSE
THRITHALLUR.P.O, THRISSUR DISTRICT.**

BY ADV. SRI.M.B.PRAJITH

RESPONDENT(S)/STATE AND ACCUSED:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**
- 2. MUHAMMAD KUNJU,
S/O.IBRAHIMKUTTY, KATTUKULATHIL HOUSE, KOIVILA.P.O
THEVALAKKARA, KOLLAM DISTRICT, PIN-691590.**

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS ANNEXURES:

A1: A TRUE COPY OF THE LAWYER NOTICE UNDER SECTION 138(b) OF NEGOTIABLE INSTRUMENTS ACT ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT

A2: A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR

A3: A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE ASSISTANT PROFESSOR OF ORTHOPEDICS, DEPARTMENT OF ORTHOPEDICS, GOVERNMENT MEDICAL COLLEGE, THRISSUR

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

T.P(Crl.) No. 41 of 2014

Dated this the 23rd day of February, 2015.

O R D E R

The petitioner herein is the complainant in S.T No.199 of 2012 of the Chief Judicial Magistrate Court, Kollam. It is a prosecution brought under Section 138 of the Negotiable Instruments Act. He seeks transfer of the said case to Thrissur. He seeks such transfer on the ground that the cheque in question was bounced within the jurisdiction of the Chief Judicial Magistrate, Thrissur.

2. Now there is no representation for the petitioner. The petitioner's request for transfer cannot be allowed in the present situation. If he has a definite case that the court at Kollam has no territorial jurisdiction, in view of the position settled by the Hon'ble Supreme Court recently, the petitioner will have to make an application before the court to return the complaint. He can come before this court, if his request to return the complaint is disallowed. It is a question of fact, as to what court will have

jurisdiction to try the offence in view of the position settled by the Hon'ble Supreme Court. The petitioner's remedy is to make an application to return the complaint.

With these observations this transfer petition is closed.

P.UBAID,
JUDGE

sab