

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2015

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THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case Nos.1055 of 2014;
300 of 2015 and 373 of 2015
and

M.P.No.1 of 2015
in Crl.R.C.No.300 of 2015

M/s. The Water Base Limited
No.22, Sadasivam Street,
Gopalapuram, Chennai - 600 086,
rep.by its Authorised Signatory
Mr. R.Chandramohan .. Petitioner in Crl.RC.No.1055 of 2014/
Complainant.

G.D.Ranka .. Petitioner in Crl.RC.No.300 of 2015/
Complainant.

Yuvaraj
G.Kumaran .. Petitioners in Crl.RC.No.373 of 2015/
Petitioner and Complainant.

vs

1. M/s.Kanade Aqua Farm Pvt.Ltd.,
Rep.by Director Mr.Sunil Bhikaji Kanade
Kanade House, Plot No.148
D.P.Road, J.B.Nagar
Andheri (E), Mumbai - 400 099

2. Mr.Sunil Bhikaji Kanade,
Director
M/s. Kanade Aqua Farm Pvt.Ltd.,
Kanade House, Plot No.148
D.P.Road, J.B.Nagar
Andheri (E), Mumbai - 400 099

3. Mr.Dinanath Bhikaji Kanade,
Director,
M/s. Kanade Aqua Farm Pvt.Ltd.,
Kanade House, Plot No.148
D.P.Road, J.B.Nagar
Andheri (E), Mumbai - 400 099

.. Respondents 1 to 3 in
Crl. RC.No.1055 of 2014 /
Accused.

4. Hanish Hathiramani .. Sole respondent in
Crl.RC.No.300 /15 /
Accused.
5. C.Shanmugam .. Sole respondent in
Crl.RC.No.373/15 /
Accused.

Criminal Revision Case No.1055 of 2014 has been filed under Sections 397 read with Sec. 401 of Cr.P.C. to call for the records and set aside the order in the unnumbered complaint dated 10.9.2014 on the file of the VII Metropolitan Magistrate Court, George Town, Chennai - 600 001 under Section 138 of the Negotiable Instruments Act, hear the revision petitioner and allow the revision petition.

Criminal Revision Case No.300 of 2015 has been filed under Sections 397 read with Sec. 401 of Cr.P.C. to set aside the order dated 11.3.2015 passed by the Metropolitan Magistrate, Fast Track Court III, Saidapet, Chennai returning the case bundle to the petitioner. [CC.No.1543/13]

Criminal Revision Case No.373 of 2015 has been filed under Sections 397 read with Sec. 401 of Cr.P.C. to set aside the impugned order dated 03.3.2015 in unnumbered Crl.MP.No.SR2219 OF 2015 in unnumbered C.C of 2015 on the file of the learned Judicial Magistrate No.1, Kanchipuram.

For Petitioner in
Crl.RC.No.1055 of 2015 : Mr.S.A.Rajan
For Petitioner in
Crl.RC.No.300 of 2015 : Mr.Abdukumar Rajaratnam
For petitioner in
Crl.R.C.No.373 of 2015 : Mr.D.Ravichander

ORDER

As per the judgment of the Hon'ble Supreme Court in Dashrath Rupsingh Rathod V.State of Maharashtra and another reported in (2014) 9 SCC 129, all these cases have been transferred before the Jurisdictional Court concerned, where the Cheques were originally issued. But, when the cases were presented before the Concerned Court, the same were not accepted. In certain cases, the very transfer itself was questioned.

2. The learned counsel for the petitioner brought to the notice of this Court that the Union Government now passed an Ordinance No.6 of 2015 by which, Section 142 (A) has been inserted, which reads as follows:-

142 A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any Judgment, decree, order or directions of any Court, all cases arising out of Section 138 which were pending in any Court, whether filed before it, or transferred to it, before the commencement of the Negotiable Instruments (Amendment) Ordinance, 2015 shall be transferred to the Court having jurisdiction under Sub Section (2) of Section 142 as if the sub-section had been in force at all material times.

(2) Notwithstanding anything contained in Sub-section (2) of Section 142 or sub-Section (1), where the payee or the holder in due course, as the case may be, has filed a complaint against the drawer of a cheque in the court having jurisdiction under Sub-Section (2) of Section 142 or the case has been transferred to that court under Sub Section (1), and such complaint is pending in that court, all subsequent complaints arising out of Section 138 against the same drawer shall be filed before the same court irrespective of whether those cheques were delivered for collection or presented for payment within the territorial jurisdiction of that Court.

(3) If, on the date of the commencement of the Negotiable Instruments (Amendment) Ordinance, 2015, more than one prosecution filed by the same payee or holder in due course, as the case may be, against the same drawer of cheques is pending before different courts, upon the said fact having been brought to the notice of the Court, such court shall transfer the case to the court having jurisdiction under Sub-Section (2) of Section 142 before which the first case was filed and is pending, as if that sub-section had been in force at all material times".

Learned Counsel further submitted that in view of the said ordinance, cases have to be remitted back to the Original Court, where they have been filed.

<https://hcservices.ecourts.gov.in/hcservices/> In view of the Ordinance No.6 of 2015, all these cases have to be remitted back to the Original Courts concerned, who have jurisdiction to try the cases.

Accordingly, all these cases are remitted back to the original Court Concerned. The petitioners are directed to present the cases within a period of one week from the date of receipt of a copy of this order and on such presentation, the Court concerned shall pass appropriate orders, after giving notice to all the parties concerned.

With the above directions, the Revision cases are disposed of.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

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To

1. VII Metropolitan Magistrate Court,
George Town, Chennai - 600 001
2. Metropolitan Magistrate Court,
Fast Track Court III, Saidapet, Chennai
3. Judicial Magistrate No.1, Kanchipuram.
4. The Chief Metropolitan Magistrate, Egmore, Chennai 8.

+1cc to Mr.S.Ashok Kumar, Advocate SR.No.30536

+1cc to Mr.S.A.Rajan, Advocate SR.No.30596

Cr1.R.C.Nos.1055 of 2014;
300 of 2015 and 373 of 2015

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gp/8.7.15