

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.6.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.R.C.No.1056 of 2014

M/s. The Water Base Limited
No.22, Sadasivam Street,
Gopalapuram, Chennai - 600 086,
rep.by its Authorised Signatory
Mr. R.Chandramohan

... Petitioner/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/Accused

Criminal Revision Case 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.

For Petitioner : Mr.S.A.Rajan

ORDER

As per the judgment of the Hon`ble Supreme Court in Dashrath Rupsingh Rathod V.State of Maharashtra reported in (2014) 9 SCC 129, this case has been transferred before the Jurisdictional Court concerned, where the Cheque was originally issued. But, when the case was presented before the Concerned Court, the same was not accepted. The very transfer of the case 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, this case has to be remitted back to the Original Court, where it has been filed.

3. In view of the Ordinance No.6 of 2015, this case has to be remitted back to the Original Court concerned, who has jurisdiction to try the case. Accordingly, this case is remitted back to the original Court Concerned. The petitioner is directed to present the case 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 the parties concerned.

With the above directions, the Revision case is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. VII Metropolitan Magistrate Court,
George Town, Chennai - 600 001
2. -do- The Chief Metropolitan Magistrate,
Egmore, Chennai - 8.

+lcc to Mr.S.A.Rajan, Advocate, S.R.No.31195

Cr1.R.C.No.1056 of 2014

TEJ(CO)
CA(07/07/2015)

सत्यमेव जयते

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