

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.8.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.1259 of 2014
and
M.P.No.1 of 2014

M/s. Siechem Technologies Pvt.Ltd.,
No.26/27, Errabalu Chetty Street, Chennai -1
Rep.by its Executive Director
G.M.Arun Kumar .. Petitioner

vs

1. M/s. Reflex Energy Ltd
Represented by its
Chairman cum- Managing Director
Amit Jain, Registered Office at
67, Bazullah Road, T.Nagar, Chennai -17
2. Amit Jain
3. Arun Mehta
4. Prasanth Paul
5. M.K.Sharda .. Respondents

Criminal Revision Case has been filed under Sections 397 read with Sec. 401 of Cr.P.C. to set aside the order dated 05.11.2014 in C.C.Sr.No.3622 of 2014 of the Hon'ble XIV Metropolitan Magistrate, Egmore, Chennai returning the complaint and direct the Hon'ble XIV Metropolitan Magistrate, Egmore, Chennai to receive the complaint taking cognizance of the offence under Section 141 of the Negotiable Instrument Act, 1881 and deal with it in or merits.

For Petitioner : K.S.V. Prasad

ORDER

This revision is filed as against the order of return passed by the Metropolitan Magistrate at Egmore, Chennai on the ground of jurisdiction.

2. The learned counsel for the petitioner would submit that as per the judgment of the Hon'ble Supreme Court and as per Ordinance No.6 of 2015, the bank where the cheque was presented for collection has got jurisdiction. In view of the same, the case should have been presented only before the Metropolitan Magistrate, George Town, Chennai. Therefore, the learned counsel would contend that since the revision was filed in time and stay was also obtained, the petitioner may be permitted to represent the papers before the proper forum, namely, the Metropolitan Magistrate, George Town, Chennai.

3. Admittedly, 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, these types of cases have to be transferred before the Jurisdictional Court concerned, where the Cheques were originally issued.

4. The Union Government also now passed an ordinance, 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".

5. In view of the Ordinance No.6 of 2015, this case has to be presented before the jurisdictional Court, where the cheque was originally presented for encashment, namely, the Metropolitan Magistrate, George Town, Chennai. Since the revision was filed in time and this Court has also granted interim stay as early as on 04.12.2014, the petitioner is directed to represent the case before the proper forum, namely, the Metropolitan Magistrate, George Town, Chennai, within a period of two weeks from today.

With the above directions, the Revision case is disposed of.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate Court,
George Town, Chennai - 600 001
2. The XIV Metropolitan Magistrate Court,
Egmore, Chennai
3. 1 & 2 Thro the Chief Metropolitan Magistrate, Egmore, Chennai -8.
4. The Public Prosecutor, Chennai.

Copy to: The Section Officer, Criminal Section, High Court, Madras-104.
(to return the original records, if any to the Court below)

1 cc to Mr. K.S.V. Prasad, Advocate Sr.No.40769/15.

Crl.RC.No.1259 of 2014

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pmk.31.8.2015

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