

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.19507 of 2015

Sree Venkateshwara Filling Station
represented by its Manager M.R.Ravi
Elavambedu, Sannar Palayam Village,
Jothi Nagar Post,
Ponneri Taluk,
Thiruvallur District-601 203. Petitioner

Vs

1.Mu.Su.Su.Transport
represented by its Partners 2 & 3,
4C, Annapoorna Apartments,
Jamaliya Nagar,
Chennai-600 012.

2.R.Sureshbabu

3.S.Saravanan ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned XIV Metropolitan Magistrate, Egmore, Chennai, to receive the complaint dated 28.11.2014 and proceed in accordance with law.

For Petitioner :Mr.BS Jhothiraman

ORDER

Seeking a direction to the learned XIV Metropolitan Magistrate, Egmore, Chennai, to receive the complaint dated 28.11.2014 and to proceed in accordance with law, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and perused the materials placed on record.

3.The complainant presented a complaint under Section 138 of the Negotiable Instruments Act before the learned XIV Metropolitan Magistrate, Egmore, Chennai, on 02.12.2014, as could be seen from the endorsement made by the learned XIV Metropolitan Magistrate, Chennai, on the complaint itself. The complaint was returned by the learned Magistrate to be presented before the Fast Track Court No.II, Egmore, Chennai, that was specially constituted for trying 138 of Negotiable Instruments Act Cases. The complainant presented

the said complaint before the Fast Track Court No.II, Egmore, Chennai, on the same day. While the complaint was pending on the file of the Fast Track Court No.II, Egmore, Chennai, the Registry issued a circular in ROC No.1406/A/2006/G3, on account of which, the Fast Track Court No.II, Egmore, Chennai, returned the complaint to the complainant on 29.06.2015, to be presented before the regular Court, within one month. The said complaint was once again presented before the learned XIV Metropolitan Magistrate, Egmore, Chennai, on 27.07.2015, which was received by the learned XIV Metropolitan Magistrate, Chennai, and it has been returned to the complainant once again, in view of the Negotiable Instruments (Amendments) Ordinance, 2015, which states that "the complaint should be presented before the Court, which has jurisdiction over the complainant's Bank". Challenging the same, this petition has been filed by the complainant.

4. In the considered opinion of this Court, the order passed by the learned XIV Metropolitan Magistrate, Egmore, Chennai, on 27.07.2015, is not illegal and therefore, the complaint should be presented before the Metropolitan Magistrate, in whose jurisdiction, the payee's Bank is located. Since the learned XIV Metropolitan Magistrate, Chennai, has not given any time limit, this Court directs the petitioner, to present the complaint, within a period of four weeks from the date of receipt of a copy of this order to the learned Magistrate, in whose jurisdiction the Bank of the complainant, is located.

With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

mps

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai.

2.-do- Thro The Chief Metropolitan Magistrate, Egmore, Chennai-8.

1 cc to Mr.BS Jhothiraman, Advocate Sr.No.40295

Cr1.OP.No.19507 of 2015

gp (co)

pmk.21.8.2015