

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.No.2588 of 2015

and

M.P.Nos. 1 and 2 of 2015

K.R.Kandasamy

...Petitioner

vs.

V.P.Balasubramani

...Respondent

Criminal Original Petition filed under Section 407 of the Criminal Procedure Code to withdraw the complaint filed by the respondent in S.T.C.No.2613 of 2013, from the file of the Judicial Magistrate No.1, Gobichettipalayam, and to transfer the same to XIII Metropolitan Magistrate, Egmore.

For Petitioner : Mr.R.Nalliyappan

ORDER

This Petition is filed, seeking transfer of the case in S.T.C.No.2613 of 2013, from the file of the Judicial Magistrate No.1, Gobichettipalayam, and to transfer the same to XIII Metropolitan Magistrate, Egmore.

2. It is submitted by the learned counsel appearing for petitioner that, as per the judgment of the Hon'ble Apex Court, reported in (2014) 4 C.T.C. 666 : (2014) 9 S.C.C. 129 in re (Dashrath Rupsingh Rathod Vs. State of Maharashtra and another) the Judicial Magistrate No.1, Erode has no jurisdiction to deal with the aforesaid case, as the cheque in question was drawn on Indian Bank, MLA Hostel Branch, which situate at Chennai.

3. It is seen from the complaint filed by the respondent that the cheque was drawn on Indian Bank, MLA Hostel Branch, and therefore, as per the judgment of the Hon'ble Apex Court, referred to above, the complaint has to be filed only before the Court, within whose jurisdiction the Bank, which has issued the cheque in question, is situate.

4. Hence, the Criminal Original Petition is disposed of, by directing the petitioner to file a Petition before the learned Judicial Magistrate, No.1, Erode, seeking for return of the complaint

to the respondent on the basis of the judgment, referred to supra, and the learned Judicial Magistrate, No.1, is directed to pass orders within a period of two weeks from the date of filing of the petition by the petitioner. Consequently, connected M.Ps are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sd

To

1. The Judicial Magistrate No.1, Gobichettipalayam
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate
No.I, Erode
- + 1 C.C. TO MR.R.Nalliyappan Advocate Sr.6041

Cr1.O.P.No.2588 of 2015

RK[CO]
KS 23/02/2015

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