

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Crl.O.P.No.4665 of 2015

D.Baskaran

...Petitioner

vs.

M.S.Anjaneya Reddy

...Respondent

Criminal Original Petition filed under Section 407 of the Criminal Procedure Code praying to transfer the case in C.C.No.132 of 2013, from the file of the Judicial Magistrate No.II, Kancheepuram, to the file of the Chief Metropolitan Magistrate, Egmore, Chennai-8.

For Petitioner : M/sr.D.N.Dhurgasha

ORDER

This Criminal Original Petition is filed, seeking for transfer of the case in C.C.No.132 of 2013, from the file of the Judicial Magistrate No.II, Kancheepuram, to the file of the Chief Metropolitan Magistrate, Egmore, Chennai.

2. It is submitted by the learned counsel appearing for the petitioner, that the petitioner is the accused in the abovesaid case. He issued cheques drawn on ICICI Bank Ltd., Nungambakkam Branch, Chennai in favour of the complainant, viz., the respondent herein. The learned counsel submitted 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), complaint has to be filed only before the Court, within whose jurisdiction, the Bank, which has issued the cheque in question, is situate. Admittedly, the cheques in question were drawn on ICICI Bank, Nungambakkam Branch, which is situate at Chennai. Hence, the learned Judicial Magistrate No.II, Kancheepuram, has no jurisdiction to try with the aforesaid case. The learned counsel further submitted that the petitioner has also filed a memo, dated 27.08.2014, for the prayer, as sought herein, before the Judicial Magistrate No.II, Kancheepuram. But, till date, no order has been passed in connection with the said memo.

3. Considering the nature of prayer, sought for, in this Petition, this Court is of the view that there is no need to issue notice to the respondent.

4. Considering the submissions of the learned counsel appearing for the petitioner, the Criminal Original Petition is disposed of, by directing the learned Judicial Magistrate No.II, Kancheepuram, to consider the memo filed by the petitioner, dated 27.08.2014 and pass orders within a period of two weeks from the date of receipt of a copy of this order, in the light of the guidelines laid down by the Hon'ble Apex Court in the judgment referred to supra.

sd

-s/d-
Assistant Registrar
Dt:26/03/2015

True Copy

Sub-Assistant Registrar

To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai 8.
 2. The Judicial Magistrate No.II,
Kancheepuram,
- + 2 ccs to M/s.D.N.Dhurgasha, Advocate SR 14442

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Cr1.O.P.No.4665 of 2015

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