

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.962 OF 2015

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ORDER:

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This Criminal Revision Case is preferred by the complainant challenging the order dated 7.5.2015 in C.C.No.19 of 2015 on the file of Judicial First Class Magistrate, Rajampet whereby the learned Magistrate returned the complaint filed under Sections 138 and 142 of Negotiable Instruments Act on the ground that the Court has no territorial jurisdiction to entertain the same in view of the judgment of the Apex Court rendered in **Dashrath Rupsingh Rathod vs State of Maharashtra** (2014(2) ALD (Crl) 190 (SC)).

Learned counsel for the petitioner contended that the cheque in question is payable at par at all branches of ICICI Bank Limited in India and that it shows that the cheque can be presented anywhere and therefore, it can be cleared by all other branches in par with the branch from where the cheque is issued. Admittedly, the cheque in question was returned for insufficient funds by the bank at Rajampet branch. Hence, the learned counsel for the petitioner submitted that the Court at Rajampet will have the jurisdiction to entertain the said complaint. It is further informed by the learned counsel that recently, the Parliament has also passed an Ordinance with regard to the jurisdiction of the Court in question and that he produced a copy of the same. The relevant portion of the said Ordinance reads thus:

“3. In the principal Act, section 142 shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:--

“(2) The offence under section 138 shall be inquired into and tried only by a court within whose local jurisdiction the bank branch of the payee, where the payee presents the cheque for payment, is situated.”.

In view of the above Ordinance passed by the Parliament, the

order under challenge is not sustainable and liable to be set aside.

In the result, the revision is allowed and the impugned order is set aside. The petitioner is directed to present the said complaint before the same Court and the learned Magistrate is directed to number and dispose of the same in accordance with law.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

17.06.2015

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