

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.279 OF 2014

ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to transfer C.C.No.444 of 2011 on the file of Judicial First Class Magistrate, Miryalaguda, Nalgonda District to Chief Metropolitan Magistrate Court, Nampally, Hyderabad.

Heard the learned counsel for the petitioner and the learned Public Prosecutor (Telangana) for the State. Though notice sent and served on respondent No.1/*de facto* complainant, it did not choose to represent.

Perused the material on record.

The petitioner is accused in the above said C.C. and seeks to transfer the said case to any Chief Metropolitan Magistrate at Nampally, Hyderabad, with the contentions that the cheque was issued from the account of the accused at State Bank of India, Edi Bazar Branch, Hyderabad, which was dishonoured for insufficiency of funds. Though cheque was presented at SBH/ADB, Miryalguda Branch, that does not constitute the jurisdiction and placed reliance on of [Dashrath Rupsingh Rathod vs. State of Maharashtra^{\[1\]}](#). It is also represented that the case is not reached the stage of 145 of the Negotiable Instruments Act for no trial commenced so far. In fact subsequent to the expression by Amendment No.6 of 2015 w.e.f.15.06.2015 with retrospective operation, the place where cheque presented and dishonoured also constitute jurisdiction.

Having regard to the above, there is nothing to say as on date, the learned Magistrate at Miryalguda has no jurisdiction.

Accordingly, this criminal petition is dismissed, as the contention of the learned counsel for the petitioner that the Court at Mirayalguda has no jurisdiction does not survive.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 07-07-2015
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[\[1\]](#) 2014 (2) ALD CrI.190 (SC) = (2014) 9 SCC 129