

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.12764 OF 2014

ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in Crl.M.P.No.1793 of 2014 in C.C.No.58 of 2013 on the file of III Special Magistrate, Erramanzil, Hyderabad.

Heard the learned counsel for the petitioner and the learned Public Prosecutor (Telangana) for the State before notice to respondent No.2/*de facto* complainant and before admission.

Perused the material on record. As per the factual matrix for the dishonour of cheque under Section 138 of the Negotiable Instruments Act, the cheque said to have been issued by the accused from his account at Corporation Bank, Mumbai and undisputedly the cheque was presented for collection and returned dishonoured through the banker of the complainant i.e., Corporation Bank, Service Branch, Hyderabad. No doubt as per [Dashrath Rupsingh Rathod vs. State of Maharashtra^{\[1\]}](#), the place where the cheque was issued alone confers jurisdiction and not other places and those matters are reached the stage under Section 145 of the Act of commencement of trial the bar has no application and there were guidelines in para-20 in other matters to return. In fact, subsequently there was amendment by Act 6 of 2015 to the Negotiable Instruments Act w.e.f. 15.06.2015 which confers that retrospective effect jurisdiction of the place where the cheque presented, returned and dishonoured.

Having regard to the above as on date there is nothing to

show that the Court at Hyderabad has no jurisdiction.

Accordingly, the contention of want of jurisdiction does not survive and noway sustainable.

Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 07-07-2015

pab

[\[1\]](#) 2014 (2) ALD CrI.190 (SC) = (2014) 9 SCC 129