

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2629 of 2014

ORDER

This revision is directed against the docket order, dated 29.12.2014 passed by the learned I Additional Chief Metropolitan Magistrate, City Criminal Courts at Nampally, Hyderabad in C.C (SR) No.4840 of 2014.

2. The brief facts of the complaint are as follows:

A-2, who is the Managing Partner of A1, borrowed a sum of Rs.30,00,000/- from the complainant and Rs.20,00,000/- from Smt Donepudi Vijaya by way of Bank transfers, cheques and also cash. Thereafter, A2, on behalf of A1, issued certain cheques towards part payment drawn on Syndicate Bank, Tanuku, West Godavari District, payable at all branches of the said Bank, including Hyderabad, promising to repay the balance amount with interest on due date under the cover of letter dated 30.07.2014. When the complainant presented the said cheque for collection with his Bank, namely, ICICI Bank, Jubilee Hills, Hyderabad on 24.10.2014, the same was returned unpaid for want of sufficient funds. After complying with all statutory requirements provided under the provisions of the Negotiable Instruments Act, 1881 (for short 'the Act'), the petitioner filed the present complaint. By the order impugned, the learned Magistrate returned the said complaint on 29.12.2014 with the following observations:

“As this Court has no jurisdiction, complaint is returned”.

3. Heard both sides and perused the material on record.

4. Learned counsel for the petitioner/complainant submits that as the cheque issued by the accused was returned unpaid for want of sufficient funds at ICICI Bank, Jubilee Hills, Hyderabad, the

Court below has got jurisdiction to entertain the complaint.

5. Perused the material on record. It is to be noted that in view of the Negotiable Instruments (Amendment) Ordinance, 2015 (6 of 2015), the offence under Section 138 of the Act 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 the instant case, the learned Magistrate has passed the order impugned on the ground that the Court has no jurisdiction to entertain the complaint. The Court below has not recorded any other findings on the point of jurisdiction in the light of the latest ordinance. Therefore, the order impugned is not sustainable.

6. In the above circumstances and in the light of the latest Ordinance, the petitioner is directed to present his complaint again before the Court below and on such presentation, the Court below is directed to decide the issue of jurisdiction keeping in view the guidelines in the latest ordinance and pass a reasoned order in accordance with law.

7. With the above direction, the Civil Revision Case is disposed of. Registry is directed to return the original complaint to the petitioner so as to enable him to present the same before the Court below. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

RAJA ELANGO, J

23rd June, 2015

sj