

THE HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.531 and 532 of 2015

COMMON ORDER:

The petitioners/A.1 and A.2 in C.C.No.490 and 303 of 2013 on the file of the XXII Special Magistrate, Hyderabad, filed these petitions praying to quash the proceedings in docket orders in C.F.No.2387 of 2014 in C.C.No.490 of 2013 and C.F.No.2386 of 2013 in C.C.No.303 of 2013 dated 30.12.2014.

2. Heard the learned Counsel for the petitioners so also the learned Public Prosecutor representing 1st respondent-State before admission and before ordering notice to the 2nd respondent-defacto complainant and perused the material on record.

3. The petitioner assailed the jurisdiction of the learned Magistrate trying the case contending that chief examination of the complainant filed but cross-examination not started, hence the present case not crossed the stage of 145(2) of the N.I.Act. Even in the expression of the Apex Court in

Dasarath Roopsingh Rathode Vs. State of Maharashtra ^[1] on which he relied it is very clear that once the matter crosses the stage of 145(2) of the N.I.Act, after 251 Cr.P.C. examination and filing of chief affidavit of the complainant, the Apex Court itself confers jurisdiction within its power under Section 406 of Cr.P.C. and Article 136 of the Constitution of India to continue. It is only for those matters not reached the stage of Section 145(2) of the N.I.Act, to move a memo for transfer.

4. Subsequently, by Amendment Act 6 of 2015 which came into force at once (15th June,2015) to the N.I.Act, the retrospective jurisdiction is conferred to the place where the cheque is also dishonoured by amendment of Section 142 of the N.I.Act.

5. Having regard to the above, there is nothing to survive in the contention raised by the learned counsel for the petitioner in these petitions.

6. Accordingly, the Criminal Petitions(Crl.P.Nos.531 and 532 of 2015) are disposed of. Consequently, miscellaneous petitions, if any,

pending in this Criminal Petition shall stand closed.

Dr.B.SIVA SANKARA RAO,J

Date: 22.06.2015
B/o.vvr.

[\[1\]](#) 2014(2) ALD 190(SC)