

THE HON'BLE SRI JUSTICE RAJA ELANGO

-

CRIMINAL REVISION CASE No.147 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner, challenging the order, dated 24.12.2014 passed in CrI.M.P. No.5375 of 2014 in C.C. No.168 pf 2014 by the Judicial Magistrate of First Class, (Special Mobile Court), Eluru, West Godavari District.

Heard and perused the material available on record.

The petitioner is an accused in CC No.168 of 2014 on the file of the Judicial Magistrate of First Class, Special Mobile Court, Eluru for the offence under Section 138 of the Negotiable Instruments Act (for short 'the Act'). He filed the above application before the Court below to transfer the CC to the Court, where the petitioner's bank is situated, as per the law laid down by the Apex Court in CrI.A. No.2287 of 2009 (Dasaradh Roopsingh vs. State of Maharastra). Learned Magistrate dismissed the said application through the impugned order on the ground that as per the judgment of the Apex Court in the above case, the present case cannot be transferred at the post summoning stage. Aggrieved over the same, the present revision is filed.

Learned counsel for the petitioner submitted that the learned Magistrate has erred in dismissing the application and the learned Magistrate ought to have returned the application for presenting it before the Court, having territorial jurisdiction.

In view of the judgment of the Apex Court in Dasaradh Roopsingh's case and in view of the Negotiable Instruments (Amendment) Ordinance, 2015 (6 of 2015), the order passed by the Court below is in accordance with law and it does not warrant any interference by this Court.

Hence, the Criminal Revision Case is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 03, 2015

KTL