

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3145 OF 2015

ORDER:

1. This revision case is filed by the petitioner challenging the order dated 19.11.2015 passed by the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Erramanjil, Somajiguda Hyderabad in CrI.S.R.No.2469 of 2015 in C.C.No.300 of 2015.
2. It is the case of the petitioner-accused that subsequent to filing of the above case, the complainant filed another cheque dishonour case against the petitioner with the similar facts, and the said case has been filed before the X Metropolitan Magistrate, Malkajgiri and therefore, the present C.C. may be transferred to the Court of Malkajgiri. The learned Additional Judge rejected the request of the petitioner. Aggrieved by the same, the petitioner filed the present revision.
3. Heard and perused the material available on record.
4. It is the case of the petitioner that the complainant filed another cheque dishonour case against him with the similar facts before the X Metropolitan Magistrate, Malkajgiri and therefore, the present case may be transferred to the Court at Malkajgiri.
5. It is relevant to note that in the Ordinance 6 of 2015, Section 142A(3) was inserted and the same reads as follows:

“If on the date of commencement of the Negotiable Instruments (Amendment) Ordinance, 2015, more than one prosecution filed by the same payee or holder in due course, as the case may be, against the same drawer of the cheques is

pending before different courts, upon the said fact having been brought to the notice of the Court, such Court shall transfer the case to the court having jurisdiction under Sub-Section (2) of Section 142 before which, the first case was filed and is pending, as if that sub-section had been in force at all material times.”

6. The trial Court while dismissing the petition filed by the petitioner, observed that the complaint filed before the X Metropolitan Magistrate, Malkajgiri is subsequent to the present complaint and therefore, the present case cannot be transferred.

7. It is the case of the petitioner that it is mandatory to transfer the cases filed under Section 138 of the Negotiable Instruments Act to the Court having jurisdiction over the place where the payee banker is situated and the payee banker in the instant case is situated at Malkajgiri and therefore, the Court at Malkajgiri has jurisdiction to entertain the present complaint and therefore, the present case may be transferred to the Court at Malkajgiri.

8. Considering the above facts and circumstances of the case, the learned XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Erramanjil, Somajiguda Hyderabad is directed to transfer the case as prayed by the petitioner.

9. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 16.12.2015

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