

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2262 OF 2014

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ORDER:

This Criminal Revision Case is filed against the docket order, dated 05.09.2014, passed in CC No.1642 of 2012 by the XI Additional Chief Metropolitan Magistrate, Secunderabad.

The petitioner filed CC No.1642 of 2012 before the XI Additional Chief Metropolitan Magistrate, Secunderabad against the 2nd respondent – accused for the offences under Sections 406 and 420 IPC. The learned Magistrate returned the said complaint on 05.09.2014 stating that in view the decision reported in 2014(2) ALD (CrL.) 190, case was advanced suo-moto and complaint was returned to present the same in proper jurisdictional court within one month from that day.

The grievance of the petitioner is that the decision of the Supreme Court is concerned with the offences under Section 138 of the Negotiable Instruments Act (for short 'NI Act'), whereas the complaint filed by him is for the offences under Sections 406 and 420 IPC and the learned Magistrate has erroneously returned the complaint and when he intended to represent the same, the learned Magistrate has refused to accept the same on the ground that once he made his signature on it, he has no jurisdiction to receive the same again.

Admittedly, the complaint was returned by the Magistrate on the premise that the offence is under Section 138 of NI Act, whereas the perusal of the record clearly indicates that the offences are under Sections 406 and 420 IPC.

Hence, this revision case is disposed of with the following directions:

The petitioner is directed to represent the complaint before the Magistrate concerned, on or before 10th of July, 2015 and on such presentation, the learned

Magistrate is directed to take it on file and proceed with the case in accordance with law.

Miscellaneous petitions, pending if any shall stand closed.

RAJA ELANGO, J

June 04, 2015.

KTL