

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.21600 & 21380 of 2016

CRL.M.P.Nos.9996 & 9920 of 2016

A.Chidambaram .. Petitioner in  
both the petitions

versus

1. Dr.S.Rajagopal .. Respondent in  
Crl.OP 21600 of 2016
2. Mrs.Vasuki Rajagopal .. Respondent in  
Crl.OP 21380 of 2016

Prayer in Crl.OP 21600 of 2016: This petition is filed under Section 482 Cr.P.C., praying to call for the records in C.C.No.9262 of 2007 pending on the file of the learned Metropolitan Magistrate/IV Fast Track Court, George Town and quash the same.

Prayer in Crl.OP 21380 of 2016: This petition is filed under Section 482 Cr.P.C., praying to call for the records in C.C.No.12229 of 2007 pending on the file of the learned Metropolitan Magistrate/IV Fast Track Court, George Town and quash the same.

For Petitioner : Mr.R.Muniyapparaj  
For Respondent : Mr.V.S.Viswanathan for  
M/s.S.Sivakumar

COMMON ORDER

Crl.OP 21600 of 2016 has been filed, praying to call for the records in C.C.No.9262 of 2007 pending on the file of the learned Metropolitan Magistrate/IV Fast Track Court, George Town and quash the same.

2. Crl.OP 21380 of 2016 has been filed under Section 482 Cr.P.C., praying to call for the records in C.C.No.12229 of 2007 pending on the file of the learned Metropolitan Magistrate/IV Fast Track Court, George Town and quash the same.

3. For the sake of convenience, the parties will be referred to by their name.

4. Dr.S.Rajagopal, respondent herein, has initiated prosecution against A.Chidambaram, petitioner herein, in C.C.9262 of 2007 before the learned Metropolitan Magistrate, IV Fast Track Court, George Town, alleging that the cheque issued by Chidambaram for Rs.53,81,000/- was dishonoured. Likewise, his wife, Vasuki Rajagopal, respondent herein, has also initiated prosecution against him in C.C.No.12229 of 2007 before the same Court, alleging that the cheques issued by Chidambaram for Rs.5,00,000/- each, were dishonoured. Initially, both the cases were filed before VII Metropolitan Magistrate, George Town, Chennai and during the trial, these cases were transferred to the present Court. It appears that the trial has commenced and the witnesses were also examined.

5. While so, Chidambaram has come forward with the present petitions, praying to quash the proceedings pending before the trial Court, primarily on the ground that the Metropolitan Magistrate Courts at George Town does not have territorial jurisdiction to try the cases in view of the recent amendment to Section 142(A) of Negotiable Instruments Act.

6. Heard Mr.R.Muniyapparaj, learned counsel for A.Chidambaram and Mr.V.S.Viswanathan, learned counsel for Vasuki Rajagopal and R.S.Rajagopal.

7. Mr.R.Muniyapparaj, learned counsel for Chidambaram has drawn attention of this Court to paragraphs 7 and 10 of the complaints made by Dr.S.Rajagopal and Vasuki Rajagopal in C.C.Nos.9262 of 2007 and 12229 of 2007 respectively, which read as under:

"7. The complainant submits that the accused has thus committed the offence punishable under Section 138 of Negotiable Instruments. The chamber of the complainant's counsel falls within the jurisdiction of this Hon'ble Court and this Hon'ble Court has jurisdiction to entertain the complaint made by the complainant. This complaint is filed within the period of limitation."

"10. The complainant submits that the accused has thus committed the offence punishable under Section 138 of Negotiable Instruments. The counsel for the complainant having office at 168, Law Chambers, High Court Buildings, Chennai and falls within the jurisdiction of this Hon'ble Court and this Hon'ble Court has jurisdiction to entertain the complaint

made by the complainant. This complaint is filed within the period of limitation."

8. As rightly submitted by the learned counsel for Chidambaram, the office of the Advocate cannot confer jurisdiction to try the cases especially in view of the recent amendment to Section 142(A) of Negotiable Instruments Act. Therefore, this Court is of the view that the Metropolitan Magistrate/IV Fast Track Court, George Town is not having jurisdiction to try the present cases. Admittedly, the cheques issued by Chidambaram which are subject matter of C.C.No.12229 of 2007, were presented in Canara Bank, Besant Nagar Branch and the cheques, which are the subject matter of C.C.No.9262 of 2007, were presented in State Bank of India, Adyar Branch, which would fall within the jurisdiction of III Fast Track Court, Saidapet.

9. Accordingly, this Court directs the learned Metropolitan Magistrate/IV Fast Track Court, George Town to transfer the case records in C.C.No.9262 of 2007 and 12229 of 2007 to the file of Fast Track Court III, Saidapet, within a period of four weeks from the date of receipt of a copy of this order. Chidambaram, Vasuki Rajagopal and Dr.S.Rajagopal shall be bound over by the Fast Track Court IV, George Town to appear on a date specified by it before the Fast Track Court III, Saidapet. The Fast Track Court IV, George Town shall obtain muchalika from Chidambaram that he shall appear before the Fast Track Court III, Saidapet on a specified date, on which date, Vasuki Rajagopal and S.Rajagopal shall also remain present. Chidambaram shall be released on bail by the Fast Track Court IV, George Town on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties to the satisfaction of the trial Court in terms of Section 436 Cr.P.C., failing which, Chidambaram will not be entitled to suspension of sentence in the event of his conviction. The Fast Track Court IV, George Town Court shall transfer all the records with the bail order and bond to the Fast Track Court III, Saidapet within a period of four weeks from the date of receipt of a copy of this order. The Fast Track Court III, Saidapet is directed to complete the trial within a period of three months after receiving the records from the Fast Track Court IV, George Town.

With the above direction, these Criminal Original Petitions are disposed of. Consequently, connected Crl.MPs are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1 The Metropolitan Magistrate Fast Track Court, No IV,  
George Town, Chennai

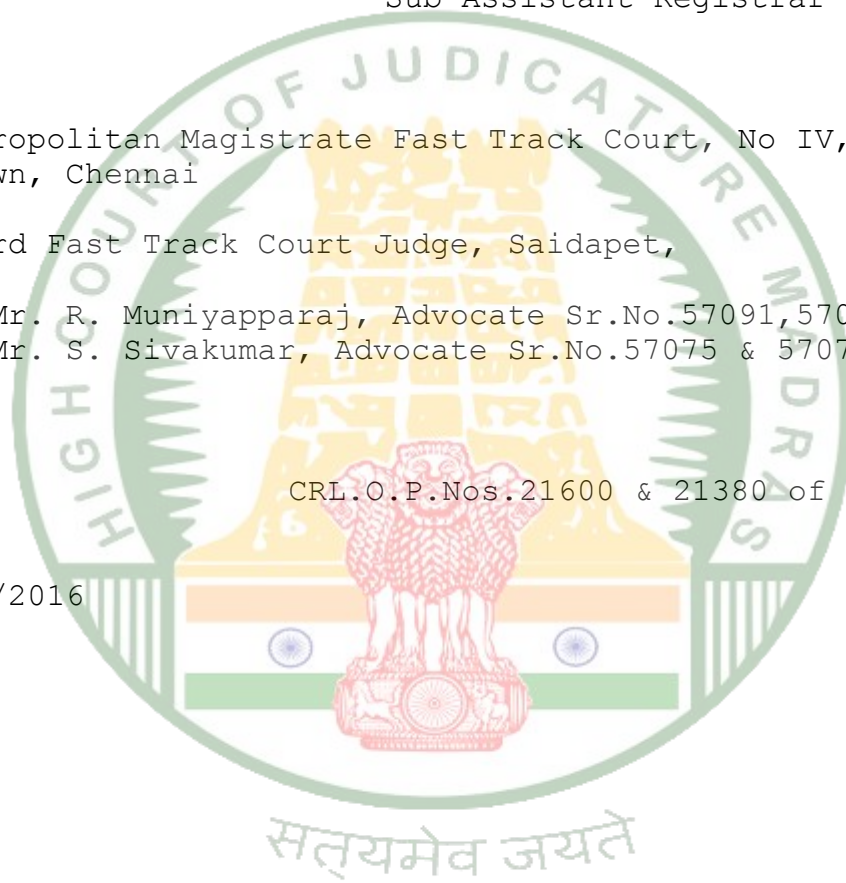
2 The IIIrd Fast Track Court Judge, Saidapet,

+2 CC to Mr. R. Muniyapparaj, Advocate Sr.No.57091,57090

+2 CC to Mr. S. Sivakumar, Advocate Sr.No.57075 & 57076

CRL.O.P.Nos.21600 & 21380 of 2016

MD : 2/11/2016



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