

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.23671 of 2016

and CrI.M.P.No.11190 and 11191 of 2016

G.Shanmugapriya

Petitioner

vs.

S.Prabu

Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to quash the complaint made by the respondent in C.C.No.124 of 2016 pending on the file of District Munsif and Judicial Magistrate, Uthiramerur.

For petitioner Mr.Gomathinayagam
Senior Counsel
for Mr.G.Hari Hara Arun Soma Shan

ORDER

This petition has been filed to quash the complaint made by the respondent in C.C.No.124 of 2016 pending on the file of District Munsif and Judicial Magistrate, Uthiramerur.

2. Heard the learned Senior Counsel for the petitioner.

3. For the sake of convenience, the petitioner and the respondent are referred to as accused and complainant.

4. It is the case of the complainant that the accused had borrowed Rs.17 lakhs during the first week of March 2016 and in discharge of the said liability, the accused had issued a cheque dated 05.07.2016 drawn on Indian Overseas Bank, Saligramam Branch. The complainant presented the impugned cheque in his Bank, viz., City Union Bank, Padappai Branch for collection on 05.07.2016 and the same was returned and dishonoured as "Funds insufficient" on 05.07.2016. Thereafter, the accused issued statutory notice u/s 138 of the Negotiable Instruments Act and followed it up by filing C.C.No.124 of 2016 before the District Munsif-cum-Judicial Magistrate, Uthiramerur u/s 138 of the Negotiable Instruments Act, challenging which the accused is before this Court.

5. Mr.Gomathinayagam, learned Senior Counsel appearing for the accused submitted that admittedly, the Bank of the complainant is City Union Bank, Padappai Branch, which does not

fall within the territorial jurisdiction of the District Munsif-cum-Judicial Magistrate Court, Uthiramerur and that the complaint has been filed before the said Magistrate, based on the statutory notice that is said to have been issued by the complainant's Advocate, who practises in Uthiramerur.

6. There is sufficient force in the submission of Mr.Gomathinayagam, learned Senior Counsel for the accused.

7. Section 142-A of the Negotiable Instruments Act was inserted into the Act with effect from 15.06.2015, in terms of which, the Court within whose territorial jurisdiction the complainant's Bank is situated, will have the power to try the case. The Office of the complainant's Advocate will not confer territorial jurisdiction. Therefore, this Court directs the District Munsif-cum-Judicial Magistrate, Uthiramerur to conduct enquiry into this aspect and if it is found that the complainant's Bank does not lie within the jurisdiction of the said Court, the same shall be transferred to the jurisdictional Magistrate within four weeks from the date of receipt of a copy of this order after binding over the petitioner and direct her to appear before the jurisdictional Magistrate on a particular day. The petitioner is directed to appear before the District Munsif-cum-Judicial Magistrate, Uthiramerur and furnish a bond u/s 88 Cr.P.C. for Rs.10,000/- without sureties. The bond shall also be transmitted along with the original records. The bond so executed will bind the petitioner, even in respect of the transferee Court.

With the above direction this petition is closed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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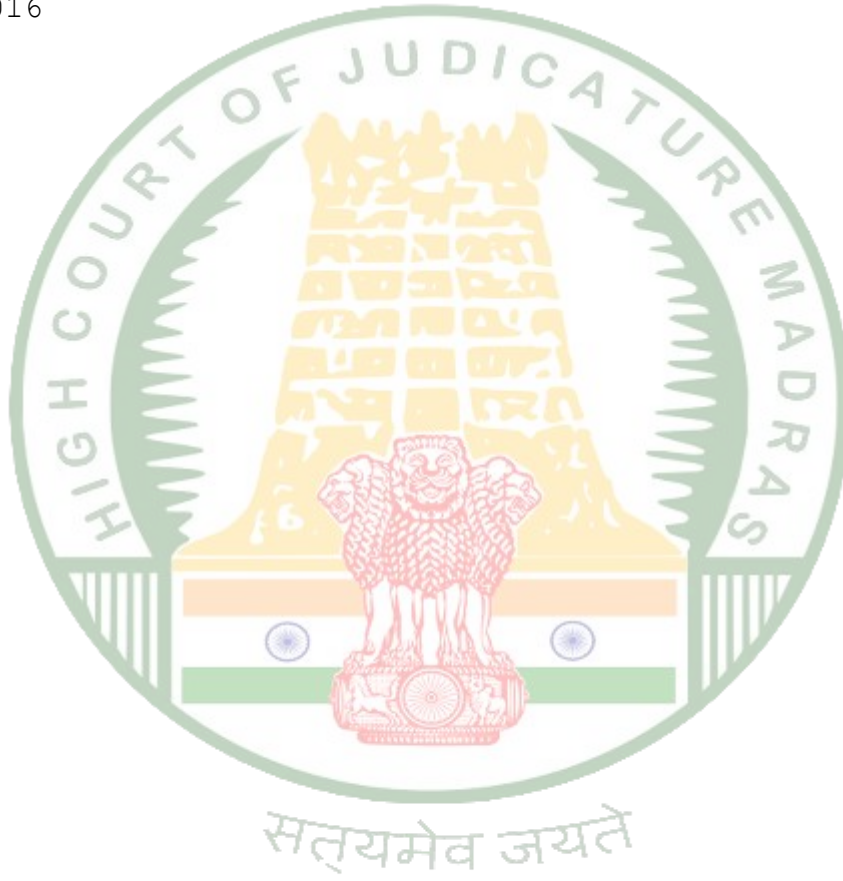
1.The District Munsif-cum-Judicial Magistrate,
Uthiramerur.

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2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P. No.23671 of 2016

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