



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :26.04.2016
CORAM

THE HONOURABLE MR. JUSTICE V.S.RAVI

Crl.R.C.(MD).No.384 of 2015

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1. Akshya Milk Greenby
Food Product P. Ltd.,
Rep. By its Proprietor,
Sivasandhar

2. Sivasanthar . . . Revision Petitioners/ Accused Nos.1

Vs.

Eswaran . . . Respondent/Complainant

PRAYER : Criminal Revision Case is filed under Sections 397 r/w 401 of Cr.P.C, to call for the records and to set aside the Order passed in Crl.M.P.No.2867 of 2015 dated 26.06.2015 in S.T.C.No.130 of 2013 on the file of the learned Judicial Magistrate No.I, Dindigul and to pass such order as this Court deem fit and proper in the circumstances of the case.

For petitioners : Mr. N.Shanmugaselvam, Advocate.

For respondent : Mr.D.Venkatesh, Advocate.

Order Reserved on : 15.03.2016

Order Pronounced on : 26.04.2016

O R D E R

This revision petition has been filed by the revision petitioners/accused Nos.1 and 2, to call for the records and to set aside the Order passed in Crl.M.P.No.2867 of 2015 dated 26.06.2015 in S.T.C.No.130 of 2013 on the file of the learned Judicial Magistrate No.I, Dindigul

2. Further, the learned counsel for the revision petitioners has stated that in the grounds of revision that the Court below has failed to follow the Judgment reported in **2014 (4) CTC 666, (Dashrathrupsing Rathod V. State of Maharashtra)**.

3. However, the learned counsel for the revision petitioners has rightly pointed out that after the pronouncement of the said Judgment, Section **142 of the Negotiable Instruments Act** has been amended, with effect from 15.06.2015 and the relevant portion of the Section, reads as follows:-

"142. Cognizance of offences. --(1) ...

(2) The offence under Section 138 shall be
inquired into and tried only by a Court within whose
local jurisdiction.



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(a) if the cheque is delivered for collection through an account, the branch of the bank where the payee or holder in due course, as the case may be maintains the account, is situated; or

(b) if the cheque is presented for payment by the payee or holder in due course otherwise through an account, the branch of the drawee bank where the drawer maintains the account, is situated.

142-A. Validation for transfer of pending cases. --(1)

Notwithstanding anything contained in the code of Criminal Procedure, 1973(2 of 1974) or any Judgment, decree, order or directions of any Court, all cases transferred to the Court having jurisdiction under sub-Section(2) of Section 142, as amended by the Negotiable Instruments(Amendment) Ordinance, 2015(6 of 2015), shall be deemed to have been transferred under this Act, as if that sub-section had been in force at all material times."

4. As contended by the learned counsel for the respondent, the case in question is pending before the learned Judicial Magistrate No.I, Dindigul and the learned counsel for the respondent is very much pressed on the above mentioned amendment and also, submitted that the revision petitioner can proceed with the case in question, pending before the learned Judicial Magistrate No.I, Dindigul in S.T.C.No.130 of 2013.

5. The learned counsel for the revision petitioners is not in a position to give proper reply for the above mentioned submissions made by the learned counsel for the respondent.

6. In the above mentioned facts and circumstances, it is found that the revision petitioners has not established that the order passed the Trial Court, is liable to be set aside.

7. Further, the provisions of Section 397 of Cr.P.C., gives the High Court jurisdiction to consider the correctness, legality or propriety of finding, sentence or order and as to the regularity of the proceedings of any inferior court. While considering the legality, propriety or the correctness of a finding or a conclusion, normally, the revising Court does not dwell at length upon the facts and evidence of the case. The Court in revision considers the materials only to satisfy itself about the correctness, legality and propriety of the findings, sentence or order.

8. Further, this Court finds no illegality, impropriety or jurisdictional error in the impugned order under challenge. Further, the order impugned indicates the proper application of mind on the facts or the pleas raised before the Trial Court.

9. On a careful scrutiny of the entire records, it is found that the present Revision Petition is to be dismissed, for the above mentioned reasons.



10. ***In the result***, this Criminal Revision Case is dismissed, and Order passed in CrI.M.P.No.2867 of 2015 dated 26.06.2015 in S.T.C.No.130 of 2013 on the file of the learned Judicial Magistrate No.I, Dindigul is confirmed. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(P&A)

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/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To:
The Judicial Magistrate No.I,
Dindigul.

+1cc to M/S.D.Venkatesh, Advocate in SR.No.23837

PRE DELIVERY ORDER

MADE IN

CrI.R.C.(MD).No.384 of 2015
26.04.2016

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PA/AAL-MPA/06.05.2016/3P/3C