THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION Nos.946, 947, 951, 952, 953, 965, 966, 967, 968, 969, 2690, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2723, 2724, 2725, 2726, 2727, 2736, 2738, 2739, 2740 OF 2015

COMMON ORDER:

These Criminal Petitions, under Sections 482 Cr.P.C., are filed to quash the proceedings against the petitioners in C.C.Nos.393, 391, 386, 388, 389, 390, 387, 392, 394, 395, 392 of 2014 pending on the file of II Special Magistrate Court, Erramanzil, Hyderabad, for the offence punishable under Sections 138 of Negotiable Instrument Act, 1881 (for short, 'the Act').

After hearing the argument of both the counsel for a while, I deem it appropriate to clarify the position now with regard to transfer of Calendar Cases referred above pending before the II Special Magistrate, Erramanzil, after amendment to Sections 142 (2) and Section 142-A of the Act.

The only difficulty expressed by Sri Avinash Desai, learned counsel for the second respondent in the criminal petitions referred above, is that on account of interim stay granted by this Court on 07.04.2015, the learned Magistrate could not take any steps to return Calendar Cases referred above for presentation before the court competent to try having territorial jurisdiction over the subject matter.

Sri Gangaiah Naidu, learned senior counsel appearing for the petitioners, contended that if the Calendar Cases referred above are returned for re-presentation before the court having

territorial jurisdiction, the second respondent in the criminal petitions can re-present them, but reserved the right of petitioners to challenge them in appropriate proceedings.

In view of this controversy, notwithstanding the interim stay granted by this court, the trial court is directed to follow the procedure prescribed under Section 142(2) and 142-A of the Act, and return the Calendar Cases referred above for re-presentation before the court having territorial jurisdiction. On such return, the second respondent in the criminal petitions referred above is at liberty to re-present them before the court having territorial jurisdiction over the subject matter, and on re-presentation, liberty is given to the petitioners herein to challenge them in appropriate proceedings, if advised.

With the above direction, these criminal petitions are disposed of.

Miscellaneous petitions, if any, pending in these criminal petitions shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 15.12.2016
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