

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 851 of 2014

Rishbh Jain, S/o. Jasraj Jain, Aged About 26 Years, R/o. House No. 43, Street No. 5/B, Shanti Nagar, Bhilai, PS- Supela, Civil and Rev. Distt. Durg C.G.

---- Petitioner

Versus

Subhash Chandra Pandey, S/o. Late Kashinath Pandey, Aged About 42 Years, R/o. Ridhi Sidhi Colony, Plot No. 41, Basantpur, P.S. Basantpur, Dongargaon Road, Civil and Rev. Distt. -Rajnandgaon C.G.

-----Respondent

For Petitioner : Mr. Punit Ruparel, Advocate

For Respondent : Mr. Sushil Dubey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/09/2017

Heard.

1. This petition under Section 482 of Cr.P.C. has been brought with prayer to quash the proceedings of complaint case pending against the petitioner, before the Court of Judicial Magistrate First Class, Durg, District – Durg (C.G.) .
2. It is submitted by the counsel for the petitioner that petitioner is resident of Bhilai under the jurisdiction of Police Station – Supela and respondent is resident of Rajnandgaon. The cheque drawn by the petitioner was presented for encashment in the bank at Rajnandgaon, where respondent held his account. The cheque was dishonored. Subsequent to that respondent has filed a complaint before the Court

of Judicial Magistrate First Class, Durg, in which cognizance has been taken by the Judicial Magistrate First Class, Durg.

3. It is submitted that jurisdiction for hearing on this complaint lies with the Court at Rajnandgaon or the Court at Bhilai. The Court at Durg does not have jurisdiction to hear the cases, hence, the petition be allowed and the complaint against the petitioner be quashed.
4. Counsel for the respondent submits that there is no separate Court established for Bhilai area, the Court at Durg has jurisdiction on the matter arising out from Bhilai, hence complaint against the petitioner is maintainable.
5. I have heard the learned counsel for the parties and perused the documents on record.
6. The only question raised by the petitioner is regarding jurisdiction of the Court concerned. Judicial Magistrate First Class posted in District has jurisdiction to try all the cases arising out of the same District. It is for the facility of the parties and advocates that a work distribution order is issued by the Chief Judicial Magistrate according to which the complaint cases are presented before the Court concerned, hence, it appears the Court before which the complaint case is pending has been assigned to hear the matters arising out of Bhilai area of District – Durg.
7. District – Durg comprises of outlying stations in which one Court is established and functional in Bhilai-3, which is a different station than Bhilai, as there is no Court separately established for Bhilai area specially for the area under jurisdiction of police station – Supela, hence, the jurisdiction falls with the Courts functioning in the head

quarter of the District – Durg. The amended provisions of sub-section 2 of Section 142 of Negotiable Instrument Act is as under :-

“142 (2) The offence under section 138 shall be inquired into and tried only by a court within whose local jurisdiction, –

(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.

Explanation.-- For the purposes of clause(a), where a cheque is delivered for collection at any branch of the bank of the payee or holder in due course, then, the cheque shall be deemed to have been delivered to the branch of the bank in which the payee or holder in due course, as the case may be, maintains the account.”

8. As per the this provision, the places where drawer of the cheque maintains his account in bank gives jurisdiction to the Court having jurisdiction of that area. The account of respondent is maintained in Axix Bank, situated in Bhilai, which is under the jurisdiction of Court at Durg. Hence, this petition is without any substance and it is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge