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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD)No.21837 of 2016

and

Crl.M.P(MD)No.11263 of 2016

K.Kader Oli : Petitioner/Complainant
Vs.

Muniyadas : Respondent/Accused

Prayer: This petition is filed under Section 407(2) r/w 482 of Cr.P.C., to withdraw the case in C.C.No.99 of 2014 on the file of the Fast Track Judicial Magistrate Court, Srivilliputhur and transfer the same to the file of the learned Fast Track Court (Judicial Magistrate Level) No.II, Madurai.

For Petitioner : Mr.M.Sendhilkumar

For Respondent : Mr.M.Sheik Abdullah

O R D E R

This petition is filed to withdraw the case in C.C.No.99 of 2014 on the file of the Fast Track Judicial Magistrate Court, Srivilliputhur and transfer the same to the file of the Fast Track Court (Judicial Magistrate Level) No.II, Madurai, for disposal.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the complainant as well as PW1 in C.C.No.99 of 2014 on the file of the Fast Track Judicial Magistrate Court, Srivilliputhur and that originally, the complaint, dated 08.07.2013 was filed before the Fast Track Court (Judicial Magistrate Level) No.II, Madurai, under Sections 138 and 142 of the Negotiable Instruments Act, against the respondent/accused and the same was taken on file as STC No.629 of 2013 and that thereafter, as per the decision of the Hon'ble Apex court, the case was transferred to the Fast Track Judicial Magistrate, Srivilliputhur, from the file of the Fast Track Court (Judicial Magistrate Level) No.II, Madurai and renumbered as C.C.No.99 of 2014 and still the case is pending for adjudication.



3. It is further submitted that the cheque was drawn in the Srivilliputhur Cooperative Urban Bank bearing No.020120, dated 24.05.2013 for a sum of Rs.3,00,000/- and the petitioner put the cheque for collection in the Bank of India, Madurai Branch on the same day, but the cheque was dishonored and returned on 12.06.2013 with a memo stating that there is no sufficient funds in the account. The learned counsel also submitted in view of Section 142 of the Negotiable Instruments (Amendment) Act 2015, the jurisdiction to file a complaint is Madurai, where the Bank of India is situated. Hence, he filed this petition seeking for transfer of the case from the file of the Srivilliputhur court to the Court at Madurai.

4. The learned counsel appearing for the respondent has fairly conceded that the cheque was presented for collection in the Bank of India at Madurai Branch and as per the provisions of the Negotiable Instruments (Amendment) Ordinance Act, 2015, suitable direction may be given.

5. Section 4 of the Negotiable Instruments (Amendment) Act, 2015 (No.6 of 2015), reads as follows:-

"142A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any judgment, decree, order or directions of any court, all cases arising out of section 138 which were pending in any court, whether filed before it, or transferred to it, before the commencement of the Negotiable Instruments (Amendment) Act, 2015 shall be transferred to the court having jurisdiction under sub-section (2) of Section 142 as if that sub section had been in force at all material times.

(2) Notwithstanding anything contained in sub-section (2) of section 142 or sub-section (1), where the payee or the holder in due course, as the case may be has filed a complaint against the drawer of a cheque in the court having jurisdiction under sub-section (2) of section 142 or the case has been transferred to that court under sub section (1) and such complaint is pending in that court, all subsequent complaints arising out of section 138 against the same drawer shall be filed before the same court irrespective of whether those cheques were delivered for collection or presented for payment within the territorial jurisdiction of that



court.”

6. In view of the above circumstances, this court is of the considered view that the case may be transferred to the file of the Madurai, for disposal according to law.

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7. Hence, this petition is **allowed** and the case in C.C.No.99 of 2014 is transferred from the file of the Fast Track Judicial Magistrate, Srivilliputhur, to the file of the Fast Track Court (Judicial Magistrate Level) No.II, Madurai, for disposal according to law. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Co)

/TRUE COPY/

Sub Assistant Registrar

To,

1. The Fast Track Judicial Magistrate,
Srivilliputhur.

2. The Fast Track Court (Judicial Magistrate Level) No.II<
Madurai.

+1cc to Mr.M. Sendhil Kumar, Advocate, in SR No.537.

+1cc to Mr.M. Shek Abdhullah, Advocate, in SR No.1184

js/msk/TTN/20/01/2017/3p-5c

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