

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.R.C.No.111 OF 2015

ORDER:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C challenging the docket order, dated 20.01.2015, in C.C.No.226 of 2007 passed by the Judicial Magistrate of First Class, Palakol returning the complaint filed by the petitioner to him for presentation before proper Court (where drawee bank is located) within 30 days from the date of return adhering to the decision of the Apex Court in **Dasarath Rupsingh Rathod v State of Maharashtra** (Criminal Appeal No.2287 of 2009, dated 01.08.2014).

The main contention before this Court is that in view of the amendment to the Negotiable Instruments Act (for short 'the Act') by introducing Section 142-A of the Act (Act No.26 of 2015) with effect from 15.06.2015, the Court has to validate the transfer of pending cases.

Learned counsel for the petitioner, during hearing, contended that in view of the amendment of the Act introducing Section 142-A, the matter has to come back to Palkol Court, where the cheque was presented and dishonoured.

Learned counsel for the respondent supported the impugned order in all respects while contending that the matter was already transferred where the drawee bank is located by the Judicial Magistrate of First Class. In such a case, the impugned order cannot be interfered by this Court while exercising power under Sections 397 and 401 of Cr.P.C.

The contention of both parties is based on the decision of the Apex Court in **Dasarath Rupsingh Rathod's** case referred supra, but the amendment to Section 142 of the Act introducing Section 142-A nullify the effect of the above decision. Therefore, in view of Section 142-A of the Act, the matter is deemed to be transferred under the Code as if sub-section had not been in force at material time. However, in view of the amendment, the Court at Palkol is having jurisdiction, *prima facie*, after introduction of Section 142-A of the Act. Hence, the impugned order passed by the trial Court is hereby set aside while directing to follow Section 142-A of the Act and pass appropriate orders in accordance with law with regard to the jurisdiction.

With the above direction the Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, pending in the criminal revision case, shall stand closed.

M.SATYANARAYANA MURTHY,J

11.10.2017
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