

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 739/2018

Wasudeo S/o Nanduji Ingle

..VS..

M/s. Kurlon Limited

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.L. Kotwal, Advocate for the petitioner
Shri S.S. Dewani, Advocate for the respondent

CORAM : Z.A.HAQ, J.

DATED : 17/10/2018

Heard.

The respondent had filed a complaint under Section 200 of the Code of Criminal Procedure r/w Section 138 and Section 141 of the Negotiable Instruments Act, 1881 against the present petitioner before the Court at Bangalore. In view of the judgment delivered in the case of Dashrath Rupsingh Rathod vs. State of Maharashtra and another reported in (2014) 9 S.C.C. at page 129, the proceedings were transferred from the Court at Bangalore to the Court at Nagpur in December, 2014. The trial proceeded at Nagpur and recording of evidence started. The respondent moved the application dated 20/01/2018 (Exh. 73) praying that the proceedings be sent back to the Court at Bangalore. This application is allowed by the learned Magistrate by the impugned order, and it is directed that the proceedings be sent back to the Court at Bangalore.

The learned advocates have pointed out the judgment delivered in the case of Ultra Tech Cement Limited vs. Rakesh Kumar Singh and another **reported in (2015) 13 S.C.C. at page 102**, particularly para no. 4 of it which clinches the issue. I find that the controversy is covered by the judgment delivered in the case of Ultra Tech Cement Limited vs. Rakesh Kumar Singh and another (supra). The learned Magistrate has rightly appreciated the controversy and the order passed by the learned Magistrate cannot be faulted it.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari