



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.OP[MD]No.22398 of 2014

WEB COPY

A.Balasubramanian ... Petitioner/Complainant

Vs.

P.Nagaraj ... Respondent/Accused

PRAYER: Petition is filed under Section 482 of Cr.P.C, to set aside the order passed by the Judicial Magistrate No.IV, Tirunelveli on 10.11.2014 in S.T.C.No.160 of 2014.

For Petitioner : Mr.S.Madhavan

O R D E R

This petition is filed to set aside the order passed by the Judicial Magistrate No.IV, Tirunelveli on 10.11.2014 in S.T.C.No.160 of 2014.

2.The petitioner preferred a complaint as against the respondent for dishonor of the cheque issued by the respondent from the HDFC Bank at Ayappanthangal, Kancheepuram District. After issuance of the statutory notice, the petitioner lodged a complaint before the Judicial Magistrate No.IV, Tirunelveli District and the said complaint was taken cognizance for the offence under Section 138 of the Negotiable Instruments Act, 1881 in S.T.C.No.160 of 2014 and also issued summons to the respondent. After issuance of the summons, in lieu of the verdict of the Hon'ble Supreme Court in 2014 (6) CTC 666, the learned Judicial Magistrate returned the bundle for want of jurisdiction and also directed to appear before the concerned Magistrate. Thereafter, on 13.10.2014, the petitioner presented the same before the Judicial Magistrate, Fast Track Court, Poonamalle. Again, the said complaint was returned by the said Judicial Magistrate for want of jurisdiction. Once again, the petitioner represented the complaint before the jurisdictional Magistrate No.IV, Tirunelveli. But the same was also returned for want of jurisdiction.

3.Now the position has been changed and the complaint is very much maintainable within the jurisdictional of complainant's bank and his residence.

4.In view of the above discussion, the learned Judicial Magistrate ought not to have returned the complaint for want of jurisdiction.



5. In view of the above, the order passed by the learned Judicial Magistrate No.IV, Tirunelveli, dated 10.11.2014 in S.T.C.No.160 of 2014 is set aside. Accordingly, this criminal original petition is allowed. However, the petitioner is permitted to re-present the complaint before the Judicial Magistrate No.IV, Tirunelveli in S.T.C.No.160 of 2014 on or before 13.11.2018. After receipt of the complaint, the learned Judicial Magistrate No.IV, Tirunelveli is directed to proceed with the trial and complete the same within a period of six months from the presentation of the complaint. The learned Judicial Magistrate No.IV, Tirunelveli is directed to return the original complaint to the petitioner.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

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To

The Judicial Magistrate No.IV, Tirunelveli

+1cc to Mr.M.Karthikeya Venkitachalapathy, Advocate in SR No.88760

Cr1.OP[MD]No.22398 of 2014

NM/RSK/SAR IV/24.10.18/2P/3C.