

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

**CRIMINAL PETITION Nos.8700, 8701, 8702, 8703, 8704, 8705,
8706, 8707, 8708, 8709 & 8710 of 2015 and 8992 of 2016**

COMMON ORDER :

All the criminal petitions are filed to direct trial of all various criminal cases at one common place by one Court to avoid conflicting judgments and to pass such other orders.

2. All the calendar cases are for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, pending in various Courts viz.,

- (1) C.C.No.58 of 2014 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8700 of 2015)
- (2) C.C.No.8 of 2014 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8701 of 2015)
- (3) C.C.No.9 of 2014 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8702 of 2015)
- (4) C.C.No.271 of 2012 on the file of the VII Special Metropolitan Magistrate, Hasthinapuram, L.B.Nagar, R.R. District (Crl.P.No.8703 of 2015)
- (5) C.C.No.8 of 2015 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8704 of 2015)
- (6) C.C.No.3 of 2015 on the file of the Principal Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8705 of 2015)

- (7) C.C.No.183 of 2013 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8706 of 2015)
- (8) C.C.No.104 of 2015 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8707 of 2015)
- (9) C.C.No.7 of 2013 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8708 of 2015)
- (10) C.C.No.330 of 2012 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8709 of 2015)
- (11) C.C.No.329 of 2012 on the file of the Principal Judicial First Class Magistrate, Nidadavole, West Godavari District (Crl.P.No.8710 of 2015)
- (12) C.C.No.553 of 2015 on the file of the IV Additional Judicial First Class Magistrate, Kakinada, East Godavari District (Crl.P.No.8992 of 2016)

3. Notice sent to complainant/respondent No.2 in all matters, but for in one matter respondent No.2/complainant did not choose to appear and contest.

4. Heard learned counsel for the petitioners and learned counsel for respondent No.2 and learned Public Prosecutor representing the State and perused the material on record.

5. The Apex Court Three-Judge Bench in **Damodar S. Prabhu vs. Sayed Babalal.H.**¹, while laying guidelines and directions to encourage the litigants of the cheque dishonour cases to opt for compounding at the early stages of litigation to is chouking of the criminal justice system

¹ (2010) 5 SCC 663

graded scheme to impose costs on parties who unduly compounding offences and for controlling of filing complaints in multiple jurisdictions relating to same transaction were issued. For the purpose of these petitions, para 23 in relation to multiple complaints reads as follows:

We are also in agreement with the Learned Attorney General's suggestions for controlling the filing of multiple complaints that are relatable to the same transaction. It was submitted that complaints are being increasingly filed in multiple jurisdictions in a vexatious manner which causes tremendous harassment and prejudice to the drawers of the cheque. For instance, in the same transaction pertaining to a loan taken on an installment basis to be repaid in equated monthly installments, several cheques are taken which are dated for each monthly installment and upon the dishonor of each of such cheques, different complaints are being filed in different courts which may also have jurisdiction in relation to the complaint. In light of this submission, we direct that it should be mandatory for the complainant to disclose that no other complaint has been filed in any other court in respect of the same transaction. Such a disclosure should be made on a sworn affidavit which should accompany the complaint filed under Section 200 of the CrPC. If it is found that such multiple complaints have been filed, orders for transfer of the complaint to the first court should be given, generally speaking, by the High Court after imposing heavy costs on the complainant for resorting to such a practice. These directions should be given effect prospectively.

6. One of the contentions in the criminal petitions are that different cheques obtained in same transaction and civil litigation is pending mostly in Kovvur Civil Court and some of the cheque bouncing cases are

pending in Judicial First Class Magistrate, Nidadavole, both at West Godavari District.

7. Having regard to the above and by following the expression of Apex Court in Damodar S.Prabhu supra, all the criminal petitions are allowed and (1) C.C.No.58 of 2014 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (2) C.C.No.8 of 2014 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (3) C.C.No.9 of 2014 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (4) C.C.No.271 of 2012 on the file of the VII Special Metropolitan Magistrate, Hasthinapuram, L.B.Nagar, R.R. District (5) C.C.No.8 of 2015 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (6) C.C.No.3 of 2015 on the file of the Principal Judicial First Class Magistrate, Nidadavole, West Godavari District (7) C.C.No.183 of 2013 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (8) C.C.No.104 of 2015 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (9) C.C.No.7 of 2013 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (10) C.C.No.330 of 2012 on the file of the Additional Judicial First Class Magistrate, Nidadavole, West Godavari District (11) C.C.No.329 of 2012 on the file of the Principal Judicial First Class Magistrate, Nidadavole, West Godavari District and (12) C.C.No.553 of 2015 on the file of the IV Additional Judicial First Class

Magistrate, Kakinada, East Godavari District are withdrawn and transferred to the Principal Junior Civil Judge-cum-Judicial First Class Magistrate at Nidadavole at West Godavari District.

Miscellaneous petitions pending, if any, shall stand closed in all the cases.

Dr. B. SIVA SANKARA RAO, J

31st December 2018.

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