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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 17th August, 2018

+ CRL.M.C. 3572/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ANR. Respondents

+ CRL.M.C. 3582/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ORS. Respondents

+ CRL.M.C. 3583/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ORS. Respondents

+ CRL.M.C. 3584/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ANR. Respondents

+ CRL.M.C. 3585/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ORS. Respondents

+ CRL.M.C. 3586/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ORS. Respondents

+ CRL.M.C. 3587/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ORS Respondents

+ CRL.M.C. 3588/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ANR. Respondents

+ CRL.M.C. 3589/2016

M/S. NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT
LTD. Petitioner

versus

STATE & ANR. Respondents

Through: Mr. Gulshan Chawla with Mr. Bhawishy Malik,
Advocates for petitioner.

Through: Mr. Ravi Nayak, APP for State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. All these petitions give rise to common questions of law and, therefore, are being decided by this common order. The petitioner had

instituted nine criminal complaints in the court of the Metropolitan Magistrate alleging offences punishable under Section 138 of Negotiable Instruments Act, 1881 (N.I. Act) against the private party respondents respecting different cheques – they having been registered as Criminal Complaint Nos.1650/13, 6049/13, 1654/13, 1652/13, 6047/13, 1647/13, 1651/13, 1645/13, 5729/13. The Metropolitan Magistrate, by his orders dated 25.09.2014 and 30.10.2014, had directed return of the said complaints on the ground of want of territorial jurisdiction in view of the ruling of the Supreme Court reported as *Dashrath Rupsingh Rathod v. State of Maharashtra & Anr.*, (2014) 9 SCC 129.

2. Later, the law was amended and the question of jurisdiction in such matters is now regulated by newly inserted Section 142(2) and Section 142A of the N.I. Act, in terms of which, the petitioner contends, the Metropolitan Magistrate at New Delhi would continue to have the necessary jurisdiction.

3. Referring to the amendment in law, the petitioner had moved an application before the Metropolitan Magistrate but the same was not entertained, and instead dismissed, by the Metropolitan Magistrate by the impugned orders dated 28.04.2016 and 09.07.2016, *inter alia*, with observation that the said court had become *functus officio*. The counsel for the petitioner clarifies that the cheques in question were issued (by the prospective accused) payable at New Delhi and were accordingly presented at the bank of the complainant at New Delhi.

2. In similarly placed situation brought before this Court in *Indiasign P. Ltd. v. Hindustan Broadcasting Co. P. Ltd.*, Crl.M.C. 1823/2016, decided on 23.07.2018, this Court after taking note of the amended provisions, with reference to the facts of that case, had observed, thus:

“The legislature has thus clarified that the court within whose local jurisdiction the branch of the bank where the payee or the holder in due course maintains the account in which the cheque in question is delivered for collection would ordinarily be the court of competent jurisdiction to take cognizance of and inquire into and try the offence under Section 138 of the Negotiable Instruments Act, 1881. By this reckoning, the court of the Metropolitan Magistrate at New Delhi District would be the jurisdictional court to deal with the criminal complaint cases in as much as the cheques in question here were presented by the petitioner for collection through its bank having branch in Connaught Place, New Delhi. The provision contained in Section 142 A, as has been inserted by the amendment, itself clarifies that the transfer of these criminal cases from Delhi to Jaipur in the given facts and circumstances would not be proper, the amendment having retrospective effect and negating the effect of the directions in Dashrath Rupsingh Rathod (supra).”

3. As has been pointed out, the above would be in accord with the view expressed by the Supreme Court in *Bridgestone India Private Limited v. Inderpal Singh*, (2016) 2 SCC 75.

4. In view of the above, the petitions are allowed. The applications for restoration of the complaint cases moved before the Metropolitan Magistrate are revived on the file of the said court. They

shall be considered afresh, in accordance with law, and appropriate orders passed thereon. For this purpose, the matters shall be taken up by the Metropolitan Magistrate on 5th September, 2018.

5. With above directions, these petitions are disposed of.

R.K.GAUBA, J

AUGUST 17, 2018

srb

