

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.22 of 2019**

Arising Out of COMPLAINT CASE No.-1796 Year-2014 District- Saharsa

M/s. National Spot Exchange Limited, A company incorporated under the Companies Act, 1956 having its registered office at 6<sup>th</sup> Floor, Chintamani Plaza, Chakala, Andheri Kurla Road, Andheri (East), P.S. Andheri, Mumbai through its authorised signatory Sudhanshu Pandey son of Shri Panth Narayan Pandey, Manager, Recovery Department, 605 B, Ashiana Plaza, Budh Marg, P.S. Kotwali, Town & District Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Law Secretary, Department of Law, Govt. of Bihar, Patna
2. M/s Ayush Sales Pvt. Ltd. having its office at Urvashi Apartment 4<sup>th</sup> Floor, 1/2a/1a Ramkrishna Nagar Lane, Beliaghata, Kolkata- 700010 and Branch Office at Ganpatganj, P. O. & P.S. Ganpatganj, District- Supaul.
3. Mr. Raj Kumar Agarwal, son of Shri Phul Chand Agarwal, resident of village- Dharahara, P.S. Raghapur, District Supaul working as Director & Authorised Signatory of M/s Ayush Sales Pvt. Ltd. 101B, Gaon Dharahara Thana No. 12 Town/Village-Dharahara, P.S. Raghapur, District- Supaul.
4. Mr. Pushpa Devi wife of Shri Raj Kumar Agarwal, resident of village- Dharahara, P.S. Raghapur, District Supaul, working as Director of M/s Ayush Sales Pvt. Ltd. 101B, Gaon Dharahara Thana No. 12 Town/Village- Dharahaa, P.S. Raghapur, District- Supaul.

... .. Respondents

**Appearance :**

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| For the Petitioner        | : | Mr. Shakti Suman Kumar, Advocate |
| For the Respondent-State: |   | Mr. Sunil Kumar Mandal, SC-3     |
|                           |   | Mr. Arjun Prasad, AC to SC-3     |
| For private respondents   | : | Mr. Tuhin Shankar, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**  
**Date : 04-11-2019**

This application under Articles 226 and 227 of the  
Constitution of India has been filed by the petitioner for



issuance of a direction to the court of Judicial Magistrate, 1<sup>st</sup> Class, Saharsa to transfer the record of Complaint Case No. 1796(C) of 2014 to the Court at Andheri, Mumbai in the light of ordinance dated 15.06.2015 and amendment dated 29.12.2015 in the Negotiable Instruments Act, 1881 (for short 'N.I. Act') whereby the jurisdiction of the court trying the case has been shifted to the place where the bank account of the payee of the cheque is situated.

2. It is submitted by the learned counsel for the petitioner that pursuant to the amendment made in the N.I. Act, the petitioner filed an application dated 30.05.2016 for return of the record of the case enabling him to file his case before the Chief Metropolitan Magistrate, Mumbai, but the same is pending as a result of which he has been compelled to file the present case before this Court.

3. The aforestated contention of the petitioner has not been disputed by the learned counsel appearing for the respondents. However, he submitted that the respondents would like to contest the matter on merits. According to him, the application dated 30.05.2016 filed by the petitioner lacks merit.

4. Be that as it may, without entering into the merit of the case, this Court would like to record that there can be no



justification for keeping an application pending for over three years in a complaint case. The court of Magistrate cannot sit tight over an application filed before it.

5. In that view of the matter, I direct the Jurisdictional Magistrate, 1<sup>st</sup> Class, Saharsa to dispose of the application dated 30.05.2016 filed by the petitioner in Complaint Case No. 1796(C) of 2014 by a reasoned order after hearing the parties on the next appointed date.

6. With the aforesaid observation and direction, the application is disposed of.

**(Ashwani Kumar Singh, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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