

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20883 of 2013 and
Crl.M.P.Nos.1 & 2 of 2013

Vijayakumar

..Petitioner/Accused

..Vs..

Thillairajan

..Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw and transfer the C.C.No.525 of 2007 on the file of the Judicial Magistrate No.I, Vriddachalam to the Jurisdictional Magistrate No.I, Puducherry.

For Petitioner : Mr.S.T.Raja for
M/s.Om Sai Ram Associate

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to withdraw and transfer the C.C.No.525 of 2007 on the file of the Judicial Magistrate No.I, Vriddachalam to the Judicial Magistrate No.I, Puducherry.

2.The petitioner is the sole accused in C.C.No.525 of 2007 on the complaint given by the respondent for the offence under Section 138 of the Negotiable Instruments Act, which is pending trial on the file of the Judicial Magistrate Court No.I, Virudhachalam. The petitioner seeks transfer of the case on the ground that, the complaint can be entertained by the learned Magistrate having territorial Jurisdiction within whose limits the cheque was drawn, the place where the drawee bank dishonoured the cheque and where the legal notice was received by the accused as held in "Mahender Goyal -V- Kadamba International - 2012 (6) CTC 841 paragraph 12". Following the aforesaid citation the petitioner herein sought transfer of the case from Judicial Magistrate Court No.I, Vriddachalam to Judicial Magistrate Court No.I, Pondicherry.

3.In view of the amendment to the Negotiable Instruments Act, as per Section 142(2) of Negotiable Instruments Act, is extracted as follows:-

“(2) The offence under Section 138 shall be inquired into and tried only by a Court within whose local jurisdiction,

(a) if the cheque is delivered for collection through an account, the branch of the bank where the payee or holder in due course, as the case may be, maintains the account, is situated.”

The respondent/complainant presented the said cheque for collection at Indian Bank, Virudhachalam Branch, Cuddalore District/the bank of the complainant.

4.In view of the same, the contention of the petitioner/accused cannot be entertained. Hence, this Criminal Original Petition stands dismissed. Since, the case is of the year 2007, the trial Court is directed to complete the trial within a period three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

vv2

Sd/-

Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1)The Judicial Magistrate No.I,
Viruchachalam.

2) The Chief Judicial Magistrate,
Virudhachalam.

3) The Jurisdictional Magistrtate No.1
Puducherry.

4) The Chief Judge,
Puducherry.

Cr1.O.P.No.20883 of 2013

Kak (21/06/2019)