

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 27.04.2019
CORAM
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.R.C.No.885 of 2012

M/s.Supreme Computers (I) Pvt.Limited,
Represented by its Authorised Signatory
Mr.Anantha Raman,
No.18/18, Narasingapuram Street,
Majestic Plaza,
Mount Road,
Chennai-600 002. Petitioner

Vs.

1.M/s.Add It Nterprizing Solutions,
Represented by its Proprietir Mr.Chari,
No.15, Nallanna Mudali Street,
Royapettah,
Chennai-600 014.

2.Mr.Chari Respondents

Prayer: Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. praying to setting aside the order passed by the XIV Metropolitan Magistrate, Egmore in unnumbered C.C.No. Of 2012 dated 09.05.2012 and consequently direct the XIV Metropolitan Magistrate Court, Egmore, Chennai to tke the complaint on file and to proceed in accordance with law.

For Petitioner : Mr.A.S.Balaji

For Respondents : No appearance

सत्यमेव जयते
O R D E R

Heard the learned counsel appearing for the revision petitioner.

2. A private complaint presented before the XIV Metropolitan Magistrate, Egmore, Chennai, was returned by the Presiding Officer stating that it should be presented before the concerned jurisdictional Court.

3. The facts of the case are that the complainant M/s.Supreme Computers (I) Pvt.Limited running a business at

Mount Road, Chennai. It has supplied computer peripherals to M/s.Add It Nterprizing Solutions, represented by Mr.Chari carrying on business at Royapettah, Chennai. When the cheque issued by the accused maintained from its bank HDFC, Mylapore branch for a sum of Rs.1,15,000/- was presented on the account of the complainant maintained by Standard Chartered bank, Rajaji Salai, Chennai, the cheque was returned. The statutory notice was issued by the learned counsel office at Egmore. Hence the private complaint.

4. Relying upon the judgment in K.Bhaskaran Vs. Sankara Vaiydhyan balan and another, the complaint has been presented before XIV Metropolitan Magistrate, Egmore, whereas, the Presiding Officer taking note of the subsequent judgment of the High Court reported in 2011 CTC page 567, has returned the complaint with an endorsement to be presented before the appropriate Court. The learned counsel for the revision petitioner would submit that due to conflicting judgments regarding jurisdiction to entertain the private complaint under Section 138 of Negotiable Instruments Act, the complaint was presented before the XIV Metropolitan Magistrate, Egmore, based on the dictum laid down by the Hon'ble Supreme Court in Bhaskaran case reported in (1999) 7 Supreme Court Cases 510, where the Hon'ble Supreme Court has identified five places of jurisdiction, wherein the place from which the statutory notice was issued was one among them.

5. Due to conflicting judgments, the Statute itself is now amended wherein the jurisdiction has restricted to the place where the payee bank located or the account of the drawer or the bank where the drawee account stands. Since the complaint has been presented before the Court have no jurisdiction, the Court below has rightly returned it, to be presented before the appropriate jurisdictional Court.

6. This Court finds that no illegality in the order of the Court below. The revision petitioner ought to have presented the complaint before the appropriate Court instead of approaching this Court by filing the present revision petition. Therefore, while dismissing the revision petition, liberty is given to the revision petitioner to present his complaint before the appropriate forum. The delay in presentation of the complaint due to pendency of the revision petition shall be condoned. Time to present the complaint before the appropriate forum is 30 days from the date of receipt of copy of this order.

7. Accordingly, the Criminal Revision Case is dismissed. The Registry is directed to return the original complaint to the learned counsel for the revision petitioner for representing before the appropriate Court.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpl

To

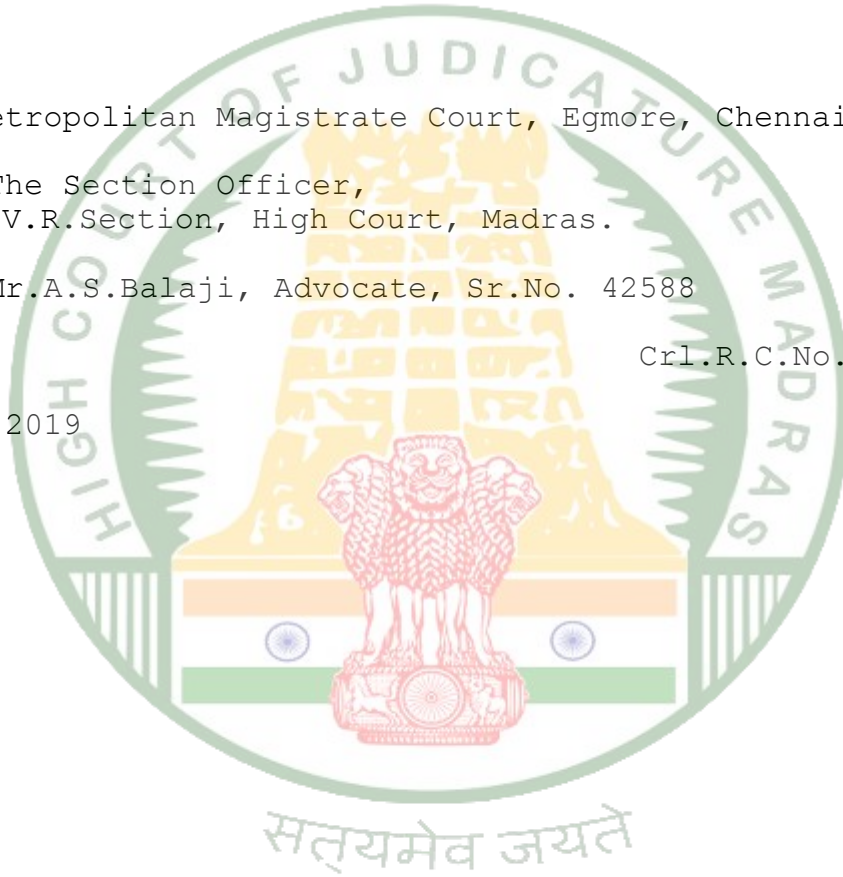
The XIV Metropolitan Magistrate Court, Egmore, Chennai.

Copy To: The Section Officer,
V.R.Section, High Court, Madras.

+1 cc to Mr.A.S.Balaji, Advocate, Sr.No. 42588

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SS(CO)
CSL/25.06.2019



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