



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.33432 of 2014

and

M.P.No.1 of 2014

Riya David Rajan

... Petitioner

Vs.

Sundara Rajan

... Respondent

PRAYER Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to transfer the case on the file of the Fast Track Court, Thiruthraipoondi, Thiruvarur District to V Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.R.Venkatesh

For Respondent : Mr.A.Ashwin Kumar
Legal Aid Counsel

ORDER

This petition has been filed by the petitioner to to transfer the case on the file of the Fast Track Court, Thiruthraipoondi, Thiruvarur District to V Metropolitan Magistrate Court, Egmore, Chennai.

2.The petitioner accused in Private complaint filed by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act, pending trial in C.C.No33 of 2013 on the file of the Fast Track Court, Thiruthuraipoondi, Thiruvarur District, has filed this petition.

3.The ground raised by the petitioner is that the respondent / complainant had deposited the cheque in State Bank of India, Anna Nagar Branch, Chennai. The challan as well as the return memo is from the Anna Nagar Branch, Chennai that being so, invoking the jurisdiction of Thiruthuraipoondi does not arise.

4.It is further submitted that the respondent has no financial capability to give hand loan of Rs.7,00,000/-. This fact is not mentioned in the notice as well as in the compliant, no reason why the cheque is presented in State Bank of India, Anna Nagar branch, Chennai and not in Thiruthuraipoondi branch given. The Judicial Magistrate, Thiruthuraipoondi Court ought



not to have taken the case on file and hence sought to transfer the case from Fast Track Court, Thiruthuraipoondi to V Metropolitan Magistrate Court, Egmore, Chennai.

5.The learned counsel for the respondent submits that in the system of core banking, cheque can be presented in any branch of the bank, jurisdiction to be invoked where the account is maintained. In this case, account is maintained by the respondent / complainant in State Bank of India, Thiruthuraipoondi Branch. The return memo was issued from the State Bank of India, Anna Nagar Branch, Chennai since the cheque was presented in Chennai. This procedure is followed by the banks. Hence, the cheque and return memo would not give any jurisdiction.

6.Further, it is submitted that other grounds raised by the petitioner with regard to the financial status, it is matter to be raised during the trial. Further, in view of the amendment under Section 142(a), the bank at Thiruthuraipoondi Branch is the Bank and Thiruthuraipoondi court is the Court which has jurisdiction to try this case.

7.In view of the same, the respondent had rightly filed the case at Thiruthuraipoondi and prays for dismissal of the Criminal Original Petition. He further submitted that due to the pendency of the above Criminal Original Petition Trial is without any progress for the past six years, defeating the purpose of the Act.

8.Considering the rival submissions, it is seen that the respondent had rightly invoked the jurisdiction of the Thiruthuraipoondi Court and there is no ground to transfer the case. Hence, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

9.Since the C.C.No.33 of 2013 is pending from the year 2013, the Trial Court is hereby directed to give top priority to this case and conclude the trial within a period of three months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To

1.The Presiding Officer,
Fast Track Court,
Thiruthuraipoondi, Tiruvarur District.

2.The V Metropolitan Magistrate,
Egmore, Chennai.

+2 cc to M/s.A.Ashwin Kumar,Advocate Sr.No. 98138

AKM/06.01.2020/3P-5C /

Cr1.O.P.No.33432 of 2014