

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2020

Coram

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.29558 of 2019

and

Crl. MP No.15952 and 15953 of 2019

A.Raja

... Petitioner

-vs

A. Venkatesan

... Respondent

Prayer: Criminal Original Petition is filed under Section 407 of Criminal Procedure Code to transfer CC No.106 of 2019 on the file of Judicial Magistrate of Pochampalli to Judicial Magistrate, Alandur, Chennai.

For Petitioner : Mr.A.Gouthaman

For Respondent : Mr.K.Ramesh Kumar

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to transfer the CC No.106 of 2019 from the file of the learned Judicial Magistrate, Pochampalli to the learned Judicial Magistrate, Alandur, Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. The first and foremost contention raised by the learned counsel for the petitioner is that in respect of the petition mentioned case namely, CC No.106 of 2019, the business transaction has been completed only in the limit of Alandur jurisdiction. Further, it is submitted that the petitioner herein has issued post dated cheque and after receiving the same, the present case has been filed by the respondent before the learned Judicial Magistrate, Pochampalli without any jurisdiction.

4. On a perusal of the complaint filed by the respondent under Section 138 of the Negotiable Instruments Act, it reveals that the cause of action arose on 09.07.2019, i.e., the date on

which, the impugned cheque was presented by the respondent before the Indian Bank, Nandhanahalli, which falls within the jurisdiction of learned Judicial Magistrate, Pochamapalli. Since the cheque involved in this case has been presented for collection, which falls within the limits of the Judicial Magistrate Court, Pochamapalli, it is not in dispute that the aforesaid Court, is having the competent jurisdiction to try the offence. Therefore, the submission made by the learned counsel for the petitioner is devoid of merits and is liable to be rejected. However, this Court is of the view to issue a direction to the concerned Magistrate to complete the enquiry and to dispose of the matter, within a time frame.

5. Accordingly, the learned District cum Judicial Magistrate, Pochampallai is directed to complete the enquiry and to dispose of the matter, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate,
Pochamapalli

2. The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.R.Ramesh Advocate sr33425

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