

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 17 OF 2022

Subhash Kashinath Kadam and Anr. ...Applicants

Versus

Jagdish Gopalrao Khule and Anr. ...Respondents

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Mr.Govind Solanke, Advocate for the Applicants.

Mr.Avinash Patil, Advocate for Respondent No.1.

Mr. Arfan Sait, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 25th AUGUST 2022

PC :

1. Heard both sides.
2. This is an application under Section 407 of the Cr.P.C. for transfer of SCC No. 441 of 2019 from the file of learned Judicial Magistrate First Class, Kallam, Osmanabad to the file of learned Judicial Magistrate, First Class, Vashi, CBD Belapur, Navi Mumbai.
3. The Respondent No.1 filed complaint for offence under Section 138 of the Negotiable Instrument Act against the applicants. The said complaint was filed in the Court of learned JMFC, Kallam at Osmanabad on 9th September 2019.

4. The grievance of the Applicants is that, though parties are residents at Navi Mumbai with a view to harass the applicants. The complaint is filed in the Court of learned JMFC at Osmanabad for offence under Section 138 of the N.I. Act. The respondent No.1 is a Doctor by profession having his clinic at Turbhe, Navi Mumbai. Kallam, District Osmanabad is the native place of Respondent No.1 and to cause inconvenience to the Applicants, the complaint has been presented in the said court. The transaction took place at New Mumbai. The complainant ought not to have deposited the cheque at Osmananbad. Reliance is placed on the decision of this Court in the case of Sangamitra W/o Ramakant Royalwar Vs. Ramakant s/o Gangaram Royalwar¹.

5. Learned Advocate for Respondent No.1 opposed the prayer for transfer. It is submitted that the proceedings are pending before the concerned Court from the date of its filing. The said Court has jurisdiction to entertain the complaint.

6. The complaint is filed by respondent No.1 for offence under Section 138 of Negotiable Instruments Act in 2019. As per complaint, the accused issued cheque dated 13th June 2019 drawn on Central Bank of India, Vashi Branch for an amount of Rs.18 lakhs. The complainant presented the cheque in his bank viz. Priyadarshni Urban Co-operative Bank at Kallam. The cheque was dishonoured

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with remarks 'insufficient funds". Demand notice was issued. Complaint was filed. The court in which complaint is filed has jurisdiction to entertain the complaint. The grounds urged by applicants cannot be considered to transfer the proceedings.

ORDER

The Criminal Application No.17 of 2022 is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)