

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 3182 of 2017

Sampark Associates & Ors.
Vs.
M/s. Bharat Hitech (Cements) Pvt. Ltd.

Mr. Chandra Sekhar Jha
Mr. Aditya Kumar
... For the petitioner

Mr. Ankit Agarwal
Mr. Nilay Sen Gupta
... For the opposite party

Affidavit of service filed in Court today is taken on record.

Learned advocate appearing on behalf of the revisionists does not press the prayer for quashing the proceedings but he prays for transfer of the case from the Court of the learned Judicial Magistrate, 4th Court at Purulia to the Court of the learned Chief Metropolitan Magistrate, Bankshall Court at Calcutta.

Learned advocate appearing on behalf of the opposite party acceded to the prayer advanced on behalf of the petitioners.

In fact, provision of Section 142(2) of the Negotiable Instruments Act, 1881 depicted the jurisdiction of the Court as follows:-

“142. Cognizance of offences. – ***

(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; or
- (b) if the cheque is presented for payment by the payee or holder in due course, otherwise through an account, the branch of the drawee bank where the drawer maintains the account, is situated.”

This case, being Complaint Case No.110 of 2014, under Section 138 of the Negotiable Instruments Act, 1881 was initiated on the ground of issuance of cheque in Kolkata and branch of drawee bank at Behala which was deposited at Union Bank of India, Dharmatalla Branch, Kolkata. Therefore, question of trial before the learned Judicial Magistrate, 4th Court, Purulia does not arise.

In the aforesaid view of the matter, the revisional application, being CRR 3182 of 2017, is allowed with a direction upon the Chief Judicial Magistrate, Purulia, to transmit the record in connection with the Complaint Case No.110 of 2014 pending before the learned Judicial Magistrate, 4th Court, Purulia, to the Court of the learned Chief Metropolitan Magistrate, Calcutta, for disposal.

With the aforesaid observation, the revisional application stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)