



WEB COPY



Crl.O.P.No.1482 of 2024
in Crl.A.No.1159 of 2023

Crl.O.P.No.1482 of 2024
in
Crl.A.No.1159 of 2023

M.NIRMAL KUMAR, J.

The petitioner as complainant filed a private complaint under Section 138 of Negotiable Instruments Act originally before the Metropolitan Magistrate Court at Miyapur Kukatpally, Ranga Reddy District, Hyderabad against the respondent in the year 2014. Thereafter, it was transferred to the Metropolitan Magistrate, Fast Track Court-I, Egmore following the directions of the Apex Court in the case of Dasarath Rupsingh Rathod vs. State of Maharashtra reported in [2014] 9 SCC 120 and renumbered as C.C.No.10507 of 2014. Later, an ordinance was passed that the jurisdiction for filing complaint under Section 138 of Negotiable Instruments Act would be the address of the complainant and the Bank in which he maintains the account and in this case, it is at Hyderabad. Hence, the petitioner was under the impression that the would be automatically transferred to Miyapur Kukatpally, Ranga Reddy District, Hyderabad but later, the petitioner came to know that the complaint was dismissed for non-prosecution on



Crl.O.P.No.1482 of 2024
in Crl.A.No.1159 of 2023

07.07.2017. On verification, it was found that notice in D.No.451 of 2017 was sent for his appearance.

2.The contention of the learned counsel for the petitioner is that no such notice was sent to the petitioner but the case was dismissed for non-prosecution and the accused was acquitted under Sections 256(1) and 204(4) Cr.P.C.

3.Finding reason in the submission of the learned counsel for the petitioner, this Court is inclined to grant leave. Accordingly, leave granted.

14.02.2024

cse



WEB COPY



Crl.O.P.No.1482 of 2024
in Crl.A.No.1159 of 2023

M.NIRMAL KUMAR, J.

cse

Crl.O.P.No.1482 of 2024
in
Crl.A.No.1159 of 2023

14.02.2024