



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 811 OF 2020

NAVBHARAT ALUMINIUM BHANDAR THROUGH ITS
PROPRIETOR MADANLAL PANNALAL OSWAL

VERSUS

SHRI PARSHAV TIN CONTAINERS REGISTERED
PARTNERSHIP FIRM, DHULE AND OTHERS

...

AND

CRIMINAL APPLICATION NO. 810 OF 2020

NAVBHARAT ALUMINIUM BHANDAR THROUGH ITS
PROPRIETOR MADANLAL PANNALAL OSWAL

VERSUS

SHRI PARSHAV TIN CONTAINERS REGISTERED
PARTNERSHIP FIRM, DHULE AND OTHERS

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Shri Rahul R. Awhad, Advocate h/f Shri N.L. Choudhari,
Advocate for the Applicants.

Shri Hrishikesh V. Tungar), Advocate for the Respondents.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 19 November 2025

P. C. :-

1. Heard.
2. The applicant is challenging the orders dated 07.02.2020 passed by learned Additional CJM, Ahmednagar, in SCC Nos.3144/2015 and 3330/2015. These complaints are filed

by the applicant / complainant under Section 138 of the Negotiable Instruments Act. By the impugned orders, the complaints have been returned to the applicant for their presentation before appropriate Court. It was directed that the applicant/ complainant shall present the complaints before proper Courts within 30 days.

3. Learned advocate for the applicant submits that the applicant has taken papers and is not responding. Therefore, appropriate order may be passed.

4. Learned advocate for the respondents has opposed the applications and submitted that in view of Section 142(2)(a) and explanation there below, it is clear that learned JMFC, which has passed the impugned orders, has no jurisdiction to try the case and, therefore, the complaints were rightly returned to the complainant for presentation to proper Court. Learned advocate has, therefore, supported the impugned orders. In support of his submissions, learned advocate has relied upon the judgments delivered by Hon'ble Supreme Court in ***Prakash Chimanlal Sheth vs. Jagruti Keyur Rajpopat, AIR 2025 SC 3456 and Bridgestone India Pvt. Ltd. vs. Inderpal Singh, (2016) 2 SCC 75***

wherein, it has been observed that Section 142(2)(a) vests jurisdiction for initiating the proceedings under Section 138 inter alia in territorial jurisdiction of the Court, where the cheque is delivered for collection (through an account of the branch of the bank where the payee or holder in due course maintains an account).

5. Considering the facts and circumstances of this case, firstly, the applicant is not interested in the matter since he is not responding to his advocate. Secondly, on merits, considering the provisions of law, I am in complete agreement with the submissions advanced by learned advocate for the respondents. Learned JMFC has rightly passed the impugned orders. No interference is called for in the same. Hence, both these Applications are dismissed.

kps

(SUSHIL M. GHODESWAR, J.)