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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1444 OF 2021
(SAYYED SHABBIR AHMED MANZOOR AHMED VS.NAJMUS SAQUIB
AHMED AND ANOTHER)

Mr.P.M.Nagrgoje, Advocate for the petitioner.
Mr.P.G.Tambade h/f Mr.A.PAvhad, Advocate for respondent No.1

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 21 NOVEMBER, 2025

PER COURT :

1. By this writ petition, the petitioner is challenging the order dated 25.10.2021 passed by the learned Additional Sessions Judge, Aurangabad in Cri.Revision Application 67/2019, which has arisen out of order of issuance of process dated 21.07.2018 passed in SCC No.3779/2018 passed by the learned J.M.F.C. Aurangabad. Further it is prayed to quash and set aside the proceedings of SCC No.3779/2018 pending before the learned J.M.F.C. Aurangabad.

2. Heard the learned Advocates for the respective parties.

3. According to the learned Advocate for the petitioner,

respondent No.1 has filed SCC No.3779/2018 u/s 138 of the N.I.Act, before the learned J.M.F.C. Aurangabad. According to respondent No.1, the cheque bearing No.570857 was issued and the same was deposited with Kotak Mahindra Bank Ltd., Meera Road, Dist.Thane, Maharashtra, which was later on dishonoured. In pursuance to the said complaint, issuance of process order was passed by the learned J.M.F.C., which was challenged by the petitioner before the learned Sessions Court in Cri.Revision Application No.67/2019 on the ground that the complaint u/s 138 of the N.I.Act, is not maintainable at Aurangabad and even otherwise the entire amount as per the agreement dated 01.09.2017 is paid by him to respondent No.1. However, the learned Sessions Judge, vide his order dated 25.10.2021, was pleased to reject the revision application. Therefore, the petitioner has approached this Court with the aforesaid reliefs.

4. The learned Advocate for respondent No.1 has vehemently opposed this application and prayed for rejection of the instant petition on various grounds.

5. The issue involved in the instant case is as regards

territorial jurisdiction and maintainability of complaint u/s 138 of the N.I.Act. The said issue is no longer re-integra as the Hon'ble Apex Court, vide its judgment in **Bridgestone India Private Limited Vs. Inderpal Singh [(2016) 2 SCC 75]**, has clearly, in unequivocal terms, has observed that the complaint u/s 138 of the N.I.Act shall lie before the Court, where the complainant's account and Bank is situated. According to the learned Advocate for the petitioner, the complaint is not maintainable on the ground that the complainant Bank is situated at Meera Road, Thane. Cheque was also presented for clearance in the Bank at Meera Road, Thane. The said cheque was dishonoured at the same place. He further submits that the complainant ought to have file the complaint at the Court having jurisdiction where the Bank of the complainant is situated. The complainant, on the contrary, filed the complaint at Aurangabad where he was residing.

6. As the issue involved in the instant matter is already decided by the Hon'ble Apex Court in *Bridgestone India Ltd., (supra)*, I found substance in the submissions of the learned Advocate for the petitioner.

7. Accordingly, the instant petition is allowed and the impugned orders dated 25.10.2021 passed in Cri.Rev.Application No.67/2019 and 21.07.2018 passed in SCC No.3779/2018 stand quashed and set aside.

(SUSHIL M. GHODESWAR, J.)