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CRL OP No. 21982 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 21982 of 2025

P.Mary

Petitioner(s)

Vs

S.Deepak

Respondent(s)

PRAYER

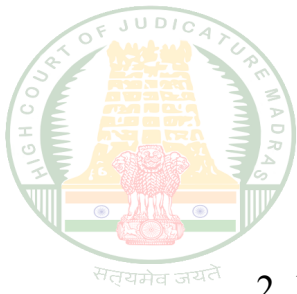
To withdraw and transfer the proceedings in S.T.C.No.368 of 2025 pending on the file of learned Judicial Magistrate Court - II, Namakkal to the Metropolitan Magistrate Court at Chennai or any competent Court to try the same.

For Petitioner(s): Mr.S.Ezhilraj

For Respondent(s): Mr.C.Munusamy

ORDER

The petitioner seeks transfer of STC No.368 of 2025 pending on the file of learned Judicial Magistrate No.II, Namakkal to the Metropolitan Magistrate Court at Chennai or any competent Court.

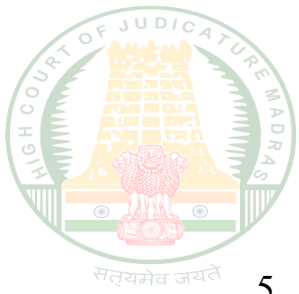


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2. It is the case of the respondent/complainant that the petitioner/accused is a known person to him. The petitioner on the pretext of sending the respondent to abroad received a sum of Rs.6,50,000/- and the petitioner issued post-dated cheque for repayment to fulfill the legally enforceable debt. However, the respondent was not sent to abroad and hence, he presented the cheque and the same was returned as “Funds insufficient”.

3. Thereafter, the respondent has initiated proceedings under Section 138 of Negotiable Instruments Act against the petitioner for the alleged offence. The complaint has been taken on cognizance by the Judicial Magistrate No.I Namakkal. Now, the petitioner has sought to transfer the case to Chennai on the ground that under Section 142 (2) (a) of the Negotiable Instruments Act jurisdiction is only in Chennai, where the cheque has been issued. Besides that the entire cause of action had arose in Chennai and no cause of action arose at Namakkal.

4. I have perused the entire materials available on record and heard the submissions on both sides.



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5. Section 142 (2) (a) of the Negotiable Instruments Act, makes it clear that the offence under Section 138 shall be inquired into and tried only by a Court within whose local jurisdiction, 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 account, is situated.

6. Admittedly, the payee maintains account at Namakkal and the cheque was presented for encashment in a Bank at Namakkal, where it got dishonoured, and thereafter, the case was filed within the jurisdictional Court viz., Judicial Magistrate Court - II, Namakkal. Therefore, I do not find any merit in this petition. Accordingly, the petition is dismissed.

08-09-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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N.SATHISH KUMAR J.

pvs

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