

CC/6737/2010

ORDER BELOW EXH. 1

1) Today perused the complaint and the documentary evidences. Upon perusal of the documentary evidences, the cheque in question is not within the territorial jurisdiction of this court. As per the well known latest reported judgment of the Hon'ble Supreme court of India, in case of Dashrath Rupsingh Rathod v/s. State of Maharashtra, Criminal Appeal No. 2287/09, 1593-1604/14 decided on 01/08/2014, the complainant has to file the complaint, at the place from which the cheque in question is dishonored. Hence, this court has now no territorial jurisdiction to try and entertain the present complaint.

2) As specific order is not been passed by my predecessor to try the present case as summons triable, the present case is deemed to be proceeded as a summary trial and this court would have to retry the present case de-novo in the limelight of the Judgment of Hon'ble Supreme Court in 2011 (0) GLHEL 50319 Nitibhai Svantilal Shah v/s. Manubhai Manjibhai Panchal, Cr. Appeal No. 1703/11 AND the Judgment of Hon'ble Gujarat High Court in 2013 (1)GLH 300 Ramjibhai Haribhai Chaudhari v/s. State of Gujarat, Cr. Rev. No. 549/10. Meanwhile due to the aforesaid latest reportable judgment of the Hon'ble Apex Court, this court now ceases its jurisdiction to try and entertain the present case.

3) Under the circumstances, the following order is passed in the interest of justice :

ORDER

The present complaint and all the original documents produced with the complaint, if any, is hereby ordered to be returned back to the complainant, to present the same before an appropriate court, having territorial jurisdiction.

The xerox true copy of the complaint and original documents if any be kept with the record & proceedings of the present case.

Place : Rajkot

Date : 6/12/2014

(B.S.SHAH)
8th A.C.J.M. (Nego.Court)
Rajkot.
(GJ00628)