

CC/10677/2009

ORDER

IN THE CIVIL COURT AT RAJKOT

CRIMINAL CASE NO. 10677 OF 2009.

CC/10677/2009

Complainant :

1. KHUSHBU AUTO FINANCE

VERSUS

Accused :

1. MOHAMMAD ARSHADKHAN

Appearance:

No Advocate For Complainant

No Advocate For Accused

ORDER

Order below Ex-1

On perusal of the case, present complaint has been filed for the return of cheque drawn on bank which is not located within the jurisdiction of this court. Recently the Hon'ble Supreme Court in the case of Dashrath Rupsingh Rathod V/s. State of Maharashtra has laid down the ratio that the territorial jurisdiction of institution complainant u/s. 138 of the Negotiable Instrument Act is restricted to the court within whose local jurisdiction the cheque is dishonoured by the bank on which it is drawn. For pending complaints the Hon'ble Supreme Court laid down that except the cases in which post the summoning

& appearance of the accused, the recording of evidence has commenced as envisaged in section 145(2) of the Negotiable Instrument Act, 1881, all other complaints to be returned for filing in the proper court. On perusal of the present case the recording of evidence u/s. 145(2) of the Negotiable Instrument Act, 1881, has not commenced. Therefore, this Court do not have territorial jurisdiction. Hence, I pass following order.

:: O R D E R ::

The Present complaint along with all the original produced with the complaint, if any, ordered u/s. 201(a) of Code of Criminal Procedure, 1973 to be returned to the complainant for filing in the proper court, as this court lacks the territorial jurisdiction. The present case accordingly disposed off.

The certified / Zerox true copy of the complaint & original documents to be kept with record & proceedings of the present case as per Para-347 of Criminal Manual

Parties to bear their own costs.

Date : 06/12/2014 (Dhananjay Jagdishchandra Vyas)
Rajkot

5th Addl.J.M.F.C.,

R A J K O T

UIC NO. GJ01263