

ORDER BELOW EXH.1 IN STC NO.172/2006

(Dattatrya Vs. Namdev)

1] The present complaint has been filed for an offence punishable under section 138 of the Negotiable Instruments Act. Process has been issued and the accused not appeared.

2] The complainant and his counsel are absent.

3] Perusal of cheque in question would show that it was drawn on The Dr. Panjabrao Deshmukh Urban Co-operative Bank Ltd, Amravati, Nandgaon Khandeshwar branch, and it has been dishonored at Nandgaon Khandeshwar branch.

4] In view of the ratio laid down by the the Hon'ble Supreme Court in the case *Dashrath Rupsing Rathod Vs. State of Maharashtra & Anr. 2014 STPL (Web) 499 SC* this Court is devoid of territorial jurisdiction.

5] The case has not reached the stage of section 145(2) of the N.I. Act and in view of the ratio laid down by the Hon'ble Supreme Court in the case *Dashrath Rupsing Rathod* cited (supra) in para No.21, the complaint will have to be returned to the complainant for being presented to proper Court within 30 days. Hence Order.

ORDER

1] The complaint STC No. 172 of 2006 (Dattatrya Ous Tadani Vs. Namdeo Ganpat Pawar) is returned to complainant along with all the original documents for being presented to proper Court within 30 days from the date of receipt of the complaint.

2] The complaint be returned to complainant and note with date about its return be taken on complaint (Exh.1).

3] The copy of the complaint be preserved in this Court. Note to that effect be taken in the institution register.

[P.C.Ramdin]
Judicial Magistrate, F.C.,
Ghodegaon

DATE :10/04/2015

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original Judgment.

Name of the Steno:	:	A.V.Tungar
Name of the Court	:	Judicial Magistrate,F.C. Ghodegaon.
Date of PDF	:	11/04/2015
Date of Judgment	:	10/04/2015