

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS,

33rd COURT, BALLARD PIER AT MAZGAON, MUMBAI.

C. C. No. 3486/SUM/2026

M/s. A. S. Enterprises

... Complainant

Vs.

M/s. Vakratund International

... Accused.

Common Order Below Exhibit-01 and Exhibit-03

The present complaint has been filed by the complainant against the accused for the offense punishable u/sec.138 of N. I. Act.

2. Today the complainant has filed an application of Exh.03 for return of this complaint to be filed in the jurisdiction of the Andheri Court, Mumbai u/sec.224 of BNSS.

3. It is contention of the complainant that he has maintained his account with HDFC Bank, Branch Versova which is situated at Andheri West, Mumbai. Also the accused has maintained his account with Janta Sahakari Bank Ltd., Pune and Borivali West, Mumbai. Therefore, this complaint ought to have been filed before the Judicial Magistrate First Class at Andheri Court, Mumbai. On perusal of documents on record it appears that contents of application are supported by it. On perusal of disputed cheque and

cheque return memo it appears that the account of complainant as well as the account of accused were not situated in the jurisdiction of this court. On the contrary complainant has maintained his account in the jurisdiction of Andheri Court.

4. In this respect, I have heard Ld. advocate for complainant and perused the record. In order to decide the jurisdiction, section 142 (2) of the N. I. Act is important, which states that;

“(2) The offence under section 138 shall be inquired into and tried only by a Court within whose local jurisdiction, –

(a) 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 the account, is situated; or

(b) if the cheque is presented for payment by the payee or holder in due course, otherwise through an account, the branch of the drawee bank where the drawer maintains the account, is situated.

Explanation – For the purposes of clause (a), where a cheque is delivered for collection at any branch of the bank of the payee or holder in due course, then, the cheque shall be deemed to have been delivered to the branch of the bank in which the payee or holder in due course, as the case may be, maintains the account.”

5. Also in view of the provisions of section 224 (a) of BNSS it is provided that if the complaint is made to a Magistrate who is not

competent to take cognizance of the offense, he shall if the complaint is in writing be return it for the presentation to the proper court with an endorsement to that effect.

6. In view of above mentioned both provisions and as the complainant has maintained his bank account at HDFC Bank, Branch Versova, Andheri West, Mumbai, it needs to return the complaint to the complainant for its presentation before the proper court at Judicial Magistrate First Class at Andheri, Mumbai. Accordingly following order is passed :-

ORDER

- i) Application is allowed.
- ii) The complaint and original documents submitted along-with it be returned to the complainant for filing it in the proper court having jurisdiction.
- iii) C. C. and J. C. to comply with the order by keeping complaint copy and documents copy on record at the expenses of complainant.
- iv) Accordingly complaint is disposed off.

Date : 23.06.2026

(K. K. Mane)
Judicial Magistrate First Class,
33rd Court, Ballard Pier at Mazgaon, Mumbai.