



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No.50 of 2025

Sudhansu Kumar Acharya* *Petitioner

Mr. K. Mohanty, Advocate

-versus-

Sanjay Kumar Samanta* *Opposite Party

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

13.08.2025

Order No.
02.

This matter is taken up through hybrid mode.

2. Pursuant to order dated 11.07.2025, though notice was issued to the Opposite Party by Registered Post with A.D., as per the office note, the said notice has returned unserved with postal remarks “Insufficient address so return to sender”.

3. However, in view of the recent judgment delivered by this Court , reported in 2025 LiveLaw (Ori) 101 (***Sangram Keshari Routray Vs. Hexagon Infrastructures Private Ltd., Cuttack and another***), the transfer petition is taken up for hearing and disposal at the stage of admission.

4. The present transfer petition has been filed by the Petitioner, who is the complainant in 1.C.C. Case No.39 of 2024, for transfer of the said proceeding pending in the Court of learned J.M.F.C.(R), Balasore to the Court of learned S.D.J.M., Nilgiri . The ground to pray so is , the bank of the Petitioner i.e. AXIS Bank Limited, Oldang Branch, Nilgiri, Balasore, where the cheque was presented, returned the same on 14.05.2024 vide a cheque return



memo with a remark "Funds insufficient". Accordingly, the complaint case under Section 138 of N.I. Act should have been presented in the Court having jurisdiction at Nilgiri to try the said offence. In view of the wrong advice/lack of knowledge, by mistake, .C.C. Case No.39 of 2024 was filed before the learned J.M.F.C.(R), Balasore, instead of in the Court of learned S.D.J.M., Nilgiri.

5. Learned counsel for the Petitioner submits, though the concerned Court has summoned to the accused person and the accused person has appeared in I.C.C. Case No.39 of 2024, subsequently, realizing that the Court of J.M.F.C.(R), Balasore has no jurisdiction to take cognizance of the said offence and there is every possibility of dropping /dismissing the said complaint case on the ground of territorial jurisdiction , the Petitioner has approached this Court for transfer of the said proceeding.

6. In view of the provisions enshrined under Section 224 of the B.N.S.S., 2023, which is *pari materia* to Section 201 of Cr.P.C., 1973, this Court is of the view that the Petitioner, who is the complainant in I.C.C. Case No.39 of 2024, ought to have moved before the learned J.M.F.C.(R), Balasore to return the complaint with proper endorsement, enabling the Petitioner to re-file the same before the learned S.D.J.M., Nilgiri, instead of preferring the present transfer petition under Section 447 of the B.N.S.S. 2023. A similar view was taken by this Court in the case of **Sangram Keshari Routray** (*supra*).

7. Accordingly, the present transfer petition stands disposed of giving liberty to the Petitioner to move an application before the learned J.M.F.C. (R), Balasore in I.C.C. Case No.39 of 2024 for return of the said complaint



enabling him to re-file the same before the learned S.D.J.M., Nilgiri.

8. It is made clear that, if such an application is moved, the learned J.M.F.C.(R), Balasore shall do well to return the complaint to the Petitioner-Complainant forthwith with proper endorsement, in terms of provision enshrined under section 224(a) of the B.N.S.S, enabling the Petitioner to re-file the said complaint case before learned S.D.J.M., Nilgiri to try the said complaint case.

9. Urgent certified copy of this order be granted on proper application.

(S.K. MISHRA)
JUDGE

Prasant

Signature Not Verified

Digitally Signed
Signed by: PRASANT KUMAR PRADHAN
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 14-Aug-2025 13:35:06

