

**(1992) 01 DEL CK 0024**

**In the Delhi High Court**

**Case No :** Criminal Revision Appeal No's. 49, 50 and 55 of 1991

Delhi Financial Corporation

APPELLANT

Vs

O.P. Gupta and Others

RESPONDENT

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**Date of Decision :** 10-01-1992

**Acts Referred:**

**Citation :** (1992) 22 DRJ 235

**Hon'ble Judges :** R.L. Gupta, J

**Bench :** Single Bench

**Advocate :** Swantantar Kumar and M. Avasthi, for the Appellant;

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## **Judgement**

R.L. Gupta, J.

(1) This order will dispose of Cr.R. Nos-49 to 55 of 1991. Those revisions are directed against a common order dated 17th January, 1991 of the learned Metropolitan Magistrate, New Delhi, by which he held that all the complaints filed by the Delhi Financial Corporation against its various debtors after dishonour of their cheques in its favor did not confer jurisdiction upon the Metropolitan Magistrate. To appreciate this order few facts will be necessary.

(2) All the seven complaints which stand dismissed by a common order were filed by the Petitioner before the Additional Chief Metropolitan Magistrate, New Delhi who made over the same to the learned Metropolitan Magistrate. It was averred in all these complaints that the intimation of dishonour of the cheques was received in State Bank of Indore, Connaught Circus, New Delhi in which bank these cheques were deposited for collection. There is no dispute in this case that the various accused persons who were being prosecuted u/s 138 of the Negotiable Instruments Act had their accounts in various other banks like Oriental Bank of Commerce, Tagore Garden, Punjab National Bank, Gujranwala Town, New Bank of India, Bahadur Garh Road, Delhi and so on.

(3) I have heard arguments advanced by learned counsel for the parties. Learned counsel for the petitioner contended that reliance by the learned trial

Magistrate upon a Division Bench Authority of this Court in the case of R.K. Jain vs. State and others 1988(1) Crimes 514 is not appropriate and that Authority actually is not applicable. In that case the facts were that the complainant was posted earlier at Army Head Quarters, New Delhi but was transferred to Jammu in April, 1985. The petitioner Jain was a tenant of the complainant in a house in Safdarjung Enclave, New Delhi at a monthly rent of Rs.1500.00 . After his transfer, the complainant deposited the rent cheques in his account at Rajouri(Jammu & Kashmir). These were dishonoured. Then he filed separate complaints u/s 420 Indian Penal Code in the court of a Magistrate who referred the same to Sho Rajouri for investigation. The petitioner challenged the jurisdiction of the Sho to investigate the alleged offences. The Division Bench held in para 8 that by merely depositing the three cheques at Rajouri, which were paid to the petitioner-complainant at Delhi, the police at Rajouri had no jurisdiction to investigate the case. Such offences could only be tried at Delhi where the cheques were issued.

(4) I have carefully considered this authority. I am of the view that this authority will not be applicable to the facts of the present case. All the cheques in the present complaints were issued by the accused persons payable by various banks within the Metropolitan area of Delhi. They were presented for encashment in the account of the petitioner in its bank in Connaught Circus, New Delhi. The amounts of all these cheques were also payable at Delhi. Even if the complaints had been filed within the jurisdiction of various other police stations in which the banks of the accused persons were located within the Union Territory of Delhi, nothing could have prevented the consolidation of all those complaints in one court because common questions of law and fact were involved in all those cases. I am, Therefore, of the view that in the facts and circumstances of the present case, it was not possible -to say that the learned Metropolitan Magistrate to whom the complaints were assigned by the learned Addl. Chief Metropolitan Magistrate, New Delhi was not competent to dispose them off because he even otherwise is vested with jurisdiction over the whole of the metropolis of Delhi. Therefore, the aforesaid authority is not applicable to the facts of the present cases.

(5) The impugned order of the learned Metropolitan Magistrate is, Therefore, set aside. He-shall now proceed with the various complaints in the light of the directions made above.