
(2014) 09 SC CK 0078

In the Supreme Court Of India

Case No : Criminal Appeal No. 1911 of 2014 (Arising out of S.L.P. (Crl.) No. 5644 of 2010), Criminal Appeal No. 1912 of 2014 (Arising out of S.L.P. (Crl.) No. 5645 of 2010) and Criminal Appeal No. 1913 of 2014 (Arising out of S.L.P. (Crl.) No. 5280 of 2010)

Times Business Solution Limited

APPELLANT

Vs

Databyte

RESPONDENT

Date of Decision : 04-09-2014

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2014) 3 ACR 2865 : AIR 2015 SC 1138 : (2015) 1 ALD(Cri) 1055 : (2015) 2 ALT(Cri) 342 : (2014) 4 BC 199 : (2014) 4 BomCR(Cri) 68 : (2014) 4 CHN 142 : (2014) 122 CLA 451 : (2015) CriLJ 1412 : (2014) 4 Crimes 379 : (2014) 4 JLJR 130 : (2014) 4 PLJR 157 : (2

Hon'ble Judges : V. Gopala Gowda, J;T.S. Thakur, J;C. Nagappan, J

Bench : Full Bench

Final Decision : Partly Allowed

Judgement

JUDGMENT

T.S. Thakur, J.—Leave granted.

2. These three appeals arise out of an order dated 1st February, 2010 passed by the High Court of Bombay whereby Criminal M.C. Nos. 281 of 2010, 282 of 2010 and 296 of 2010 filed by the Appellants have been dismissed and the orders passed by the Metropolitan Magistrate returning the complaints filed by the Appellants u/s 138 of the Negotiable Instrument Act, 1881 for presentation before the competent Court upheld.

3. It is common ground that the cheques in all the three cases had been issued on different branches namely, Bank of India, Ruby Park and ICICI Bank, Kolkata and Punjab National Bank, Chapraula, Gautam Budh Nagar, U.P. which are outside Delhi. Complaints u/s 138 of the NI Act were all the same filed in Delhi because the cheques had been deposited by the complainants in their Delhi bank

accounts for collection and because notice of dishonour was issued to the accused persons from Delhi. Relying upon the decision of this Court in *Shri Ishar Alloy Steels Ltd. Vs. Jayaswals NECO Ltd.*, the High Court held that mere presentation of cheques before banks in Delhi when the drawee bank is situated outside Delhi will not confer jurisdiction upon the Delhi courts nor will the issue of a notice of dishonour from Delhi would do so. That view, in our opinion, is unexceptionable having regard to the decision of this Court in *Dashrath Rupsingh Rathod Vs. State of Maharashtra*, This Court has in that case examined at length the principles underlying Section 138 and held that a unilateral act of presentation of the cheque anywhere in the country or issue of a notice of dishonour from a place chosen by the complainant does not by itself confer jurisdiction upon the Court from within whose jurisdiction such presentation is made or notice issued. Following the view taken by this Court in *Dashrath's case* (*supra*) we have no hesitation in holding that the High Court was justified in refusing to interfere with the orders passed by the Metropolitan Magistrate. These appeals accordingly fail and are hereby dismissed but in the circumstances without any no orders as to costs.