

HELD: The view in * *Ishar Alloy Steels Ltd.'s* case is unexceptionable having regard to the decision of this Court in ***Dashrath Rupsingh Rathod's* case. This Court has in that case 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 there is no hesitation in holding that the High Court was justified in refusing to interfere with the orders passed by the Metropolitan Magistrate. [Para 3] [528-G, H; 529-A-C]

Ishar Alloy Steels Ltd. v. Jayaswals Neco Ltd.* 2001 (2) SCR 36 : (2001) 3 SCC 609; *Dashrath Rupsingh Rathod v. State of Maharashtra and Anr.* (2014) 9 SCALE 97 – relied on.

Case Law Reference:

2001 (2) SCR 36	Relied on	Para 3	E
(2014) 9 SCALE 97	Relied on	Para 3	

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 1911 of 2014.

From the Judgment and Order dated 01.02.2010 of the Ld. Single Judge of the Delhi High Court in CRL. M.C. No. 282 of 2010.

WITH

Criminal Appeal Nos. 1912 and 1913 of 2014.

Vinay Kumar Shailendra, (In Person), Subhro Sanyal, Worthing Kasar, Vaibhav Rai Asithana, K.R. Sasiprabhu, E.C. Agrawala, Puja Sharma, Liz Mathew, K. Datta, Manish

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A Srivastava, Rahul Malhotra, Praveen Agrawal for the Appellant.

Annam D.N. Rao, A. Venketesh, Sudipto Sircar, Neelam Jain, Vaishali R., Shailender Bhardwaj, Subramonium Prasad, Anil Katiyar for the Respondent.

B The Judgment of the Court was delivered by

T.S. THAKUR, J. 1. Leave granted.

C 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 under Section 138 of the Negotiable Instrument Act, 1881 for presentation before the competent Court upheld.

D 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 under Section 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 *Ishar Alloy Steels Ltd. v. Jayaswals Neco Ltd.* (2001) 3 SCC 609 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 v. State of Maharashtra and Another* (2014) 9 SCALE 97. This Court has in that case examined at length the principles

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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.

Nidhi jain

Appeals dismissed.