

SUPREME COURT OF INDIA

Suku

Vs.

Jagdish

Crl.A.No.1917 of 2014

(T.S.Thakur, V.Gopala Gowda and C. Nagappan JJ.)

04.09.2014

JUDGMENT

T.S. THAKUR.J.

1. Leave granted.

2. These appeals arise out of an order dated 15th June, 2011 passed by the High Court of Kerala at Ernakulam whereby the High Court has held that the presentation of a cheque by the complainant in a bank at Krishnapuram, Kayamkulam, Kerala did not confer jurisdiction upon Courts at Kayamkulam to entertain a complaint Under Section 138 of the Negotiable Instruments Act and try the accused persons for the offence.

3. It is not in dispute that the cheque in question was issued by the Respondent on Syndicate Bank, Gokaran branch in Karnataka which was presented for collection by the complainant at Krishnapuram, Kayamkulam, Kerala but dishonoured for insufficiency of funds. The complainant then filed complaint at Kayamkulam in the State of Kerala which were returned by the Magistrate to be filed before the proper Court as the Court at Kayamkulam, Kerala, had no territorial jurisdiction to entertain the same. The matter was taken up before the High Court by the complainants in Crl. M.C. Nos. 514 of 2011 and 1653 of 2011 which the High Court has dismissed by the impugned order holding that the presentation of the cheque to a Bank in Kerala would not by itself confer jurisdiction upon the Kerala Court. The High Court has in support of that view relied upon the decision of this Court in Harman Electronics Private Limited and Anr. v. National Panasonic India

Private Limited MANU/SC/8405/2008 : (2009) 1 SCC 720 where this Court held that the issue of notice to the drawer of the cheque does not by itself give rise to a cause of action to confer jurisdiction upon the Court to take cognizance.

4. The view taken by the Magistrate based as it is on the decision of this Court in Harman's case (supra) does not, in our opinion, call for any interference by this Court, in the light of the pronouncement of this Court in Dashrath Rupsingh Rathod v. State of Maharashtra and Anr. MANU/SC/0655/2014 : (2014) 9 SCALE 97 where this Court has examined the issue at some length and held that presentation of a cheque by the complainant at a place of his choice or issue of notice by him to the accused demanding payment of the cheque amount are not sufficient by themselves to confer jurisdiction upon the courts where such cheque was presented or notice issued. Following the decision in Dashrath Rupsingh Rathod's case (supra), we affirm the order passed by the High Court.

5. These appeals accordingly fail and are, hereby, dismissed but in the circumstances without any orders as to costs.