

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2026
(@ SPECIAL LEAVE PETITION (CRL.) NO.(S)11501 OF 2024)

MUKESH SHARMA

APPELLANT

VERSUS

VINOD KUMAR AGRAWAL

RESPONDENT

WITH

CRIMINAL APPEAL NO(S). OF 2026
(@SPECIAL LEAVE PETITION (CRL.) NO.(S)11702 OF 2024)

O R D E R

Leave granted.

2. Present Appeals have been filed challenging the order dated 06th March 2024 passed by the High Court of Judicature for Rajasthan at Jodhpur, whereby the complaints under Section 138 of the Negotiable Instruments Act, 1881 (for short, "NI Act") instituted by the appellant were transferred from Bhilwara to Ajmer on the ground that a charge sheet has been filed against the appellant in Ajmer for the offences under Sections 403 and 417 of the IPC in relation to the subject-matter of cheques in question.

3. A perusal of the paper book reveals that *vide* order dated 20th August 2024, the predecessor Bench had issued notice and stayed the impugned order passed by the High Court. The paper book further reveals that despite completion of service, no one has appeared or filed Vakalatnama on behalf of the respondent. Consequently, this Court has no option but to proceed with the hearing of the present appeals.

4. Learned counsel for the appellant submits that it is settled law that the Court within whose jurisdiction the branch of the bank where the payee maintains the account is situated, will have jurisdiction to try the offence if the cheque is delivered for collection through an account. He states that the cause of action in the present case arose in Bhilwara since appellant maintains his bank account in Kotak Mahindra Bank, Bhilwara. He further points out that though trial had commenced in the appellant's complaint way back in 2019, the Transfer Petitions had been filed in the year 2022.

5. This Court finds that a coordinate Bench in *Jai Balaji Industries Ltd. v. M/s HEG Ltd.* 2025 SCC OnLine SC 2581 has held that the jurisdiction to try a complaint filed under Section 138 of the NI Act in respect of a cheque delivered for connection through an account, i.e., an account payee cheque, is vested in the Court within whose local jurisdiction the branch of the bank in which the payee maintains the account. This Court also finds that evidence has commenced in the complaint filed by the appellant under Section 138 of the NI Act way back in 2019. Consequently, the jurisdiction vests in the Court where the payee's home branch, is situated.

6. Accordingly, this Court is of the view that the Courts in Bhilwara have the exclusive jurisdiction to enquire into and try the offences under Section 138 of NI Act alleged to have been committed by the appellant.

7. Therefore, the present appeals are allowed and the order dated 06th March 2024

passed by the High Court of Judicature for Rajasthan at Jodhpur is set aside.

....., J
(MANMOHAN)

....., J
(K. VINOD CHANDRAN)

NEW DELHI;
JULY 01, 2026

ITEM NO.22

COURT NO.6

SECTION II-D

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.)
NO(S).11501/2024

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED
06-03-2024 IN SBCRLMTP NO. 31/2022 PASSED BY THE HIGH
COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR]

MUKESH SHARMA

PETITIONER(S)

VERSUS

VINOD KUMAR AGRAWAL

RESPONDENT(S)

IA NO. 179816/2024 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

WITH

SLP(CRL) NO. 11702/2024 (II-D)

Date : 01-07-2026 These matters were called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE K. VINOD CHANDRAN
(PARTIAL COURT WORKING DAYS BENCH)

For Petitioner(s) : Mr. Romil Pathak, Adv.
Mrs. Rashmi Singh, Adv.
Mr. Aravind C., Adv.
Mrs. Neha Pathak, Adv.
Mr. Aryan Pathak, Adv.
Mr. Subramaniam S., Adv.
Ms. Jagrati Singh, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Appeals are allowed in terms of the signed
order, which is placed on file.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)