

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
2015.01.09 17:41
I attest to the accuracy and
authenticity of this document

CRM-M-43009 of 2014
Date of Decision: 09.01.2015

Sh. Janak Raj Sharma

---Petitioner

versus

Sh. Sinder Pal

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.H.S.Maan, Advocate
for the petitioner

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

On the last date of hearing, order passed by this Court reads as follows:-

“The petitioner has filed the present petition for transfer of criminal proceedings initiated under Section 138 of the Negotiable Instruments Act, 1881 from the Court at Chandigarh to court at Budhlada.

Perusal of the averments set up in the petition would make it evident that the main grievance of the petitioner is that the court at Chandigarh does not have the territorial jurisdiction to try the present case.

Arguing counsel for the petitioner is stated to be in some personal difficulty.

Adjourned to 9.1.2015.”

Counsel for the petitioner contends that as the cheque in question was drawn on an account maintained in a bank situated at Baretta and was dishonoured, the Court at Chandigarh does not have territorial jurisdiction to try the present case.

The factual controversy in regard to territorial jurisdiction of the Court is to be decided by the Judicial Magistrate concerned in the light of latest judgment of the Hon'ble Supreme Court of India in **Dashrath Rupsingh Rathore vs. State of Maharashtra and another 2014(4) R.C.R. (Civil) 145**. In this view of the matter, the petition stands disposed of with liberty to the petitioner to file an appropriate application before the court concerned to decide the question of jurisdiction.

(REKHA MITTAL)
JUDGE

09.01.2015
PARAMJIT