

**120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.3094 of 2016 in/and
CRM-M No. 16874-2015
Date of Decision: February 04, 2016**

M/s Scott Industries Ltd. Petitioner

vs.

M/s Koutons Retail India Ltd. and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sandeep Jain, Advocate for the petitioner.

Mr. L.M. Grover, Advocate
for the applicant-respondent No.4.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

CRM-3094-2016

This is an application filed under Section 482 Cr.P.C. as amended up to date for direction to refer the original complaint filed under Section 138 of the Negotiable Instruments Act, 1881 to the learned trial court with the direction to dispose of the case, in view of the Negotiable Instruments (Amendment) Second ordinance, promulgated on 22.09.2015.

In view of request made the application, the main petition is ordered to be listed for hearing and is taken on board.

CRM-M No.16874-2015

The complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (in short 'the N.I. Act') is pending before learned Sub Divisional Judicial Magistrate, Phagwara and in view of the authority of the Hon'ble Supreme Court delivered in case of

“Dashrath Rup Singh Rathod vs State of Maharashtra and another” decided on 01.08.2014 in Criminal Appeal No.2287 of 2009, the complaint was ordered to be returned to the complainant for filing the same before the competent court at Gurgaon. It comes out that now, the N.I. Act has been amended and Section 142-A has been added.

In view of the matter, the impugned order dated 21.04.2015 (Annexure P-5) passed by learned Sub Divisional Judicial Magistrate, Phagwara, is set aside and the concerned court at Phagwara is directed to proceed with the case.

The present petition is allowed accordingly.

February 04, 2016
sarita

(KULDIP SINGH)
JUDGE