

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-9383 of 2016
Date of decision: April 08, 2016.

Sumit Madaan

... **Petitioner**

v.

Ramanpreet Singh

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Vikram Anand, Advocate for the petitioner.

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

Kuldip Singh, J. (Oral):

The short prayer in this petition is that the criminal complaint under Section 138 of the Negotiable Instruments Act, 1881 (in short the Act) was filed by the petitioner before the Jalandhar Court, however, the Jalandhar court in terms of the judgment of the Apex Court in Dashrath Rupsingh Rathod v/s State of Maharashtra and another, AIR 2014 SC 3519, ordered the return of the file within 30 days for presentation before the Amritsar Court where the cheque was dishonoured. It is stated that the petitioner did not collect the file. Now, amendment has been made in the Act by Act No.7 of 2015 titled as 'The Negotiable Instruments (Amendment) Second Ordinance, 2015', whereby the effect of Dashrath Rupsingh Rathod's case (supra) has been taken away and the complaint is maintainable at Jalandhar court in the territorial jurisdiction in which the cheque was issued. Learned Counsel for the petitioner contends that he filed the application before the lower court at Jalandhar for restoring the

file, which was declined on 9.9.2015.

In view of the aforesaid amendment in the Act, the impugned orders passed by the lower court are set aside and the criminal complaint is restored in the court of Judicial Magistrate first Class, Jalandhar.

April 08, 2016.
kadyan

[Kuldip Singh]
Judge