

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

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CRM-M-25190-2015

Date of Decision: 15.11.2017.

M/s J.D. Enterprises

....Petitioner.

Versus

Sunil Kumar

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ram Kumar Saini, Advocate, for the petitioner.

Ramendra Jain, J.(Oral)

Prayer in the instant petition under Section 482 of the Code of Criminal Procedure is for setting aside order dated 04.10.2014 (Annexure-P2) of the Judicial Magistrate Ist Class, Hisar and judgment dated 23.12.2014 (Annexure-P4) of the lower revisional Court, affirming the aforesaid order (Annexure-P2) of the trial Court, returning the complaint of the petitioner to be presented at the place where the drawee bank is situated in view of the judgment passed in **Dashrath Rup Singh Rathod Vs. State of Maharashtra and another, 2014(3) R.C.R. (Criminal) 904.**

Learned counsel for the petitioner submits that after the pronouncement of judgment in Dashrath Rup Singh Rathod's case (supra), Union of India issued an ordinance No.6 of 2015 in extraordinary Gazette Part-II—Section 1 under the Negotiable Instruments (Amendment) Ordinance, 2015, for vesting of jurisdiction to the Court in whose territory the payee bank is situated. The petitioner is a resident of Hisar, therefore, the jurisdiction to try the complaint of the petitioner lies with the Courts situated at Hisar after enactment of the aforesaid ordinance.

In the light of the above ordinance, apart from the judgment passed in CRM-M- No.15140 of 2015 titled as 'M/s J.D. Enterprises vs. Krishna Devi deciding two other connected petitions CRM-M No.15411 of 2015 and CRM-M No.15413 of 2015 of the petitioner, the instant petition is allowed and the impugned order dated 04.10.2014 of the trial Court as well as judgment dated 23.12.2014 of the revisional Court are set aside, with a direction to the trial Court at Hisar to proceed with the complaint from the stage, from where it was returned.

(RAMENDRA JAIN)
JUDGE

15.11.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No