

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

242

**CRM-M-37822 of 2015 (O&M)
DATE OF DECISION:09.08.2017**

M/S JAI SACHDANAND LEATHER COMPANY

... Petitioner(s)

Versus

M/S V.B. SPORTS AND ANR.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.V.K. Rana, Advocate
for the petitioner.

Mr. N.S. Swaitch, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of order dated 13.10.2014 passed by the trial Court whereby his complaint under Section 138 of the Negotiable Instruments Act (hereinafter referred to as 'Act') was returned by the Court due to lack of territorial jurisdiction as well as the order dated 12.12.2014 passed by the appellate Court, dismissing his revision petition thereagainst.

The petitioner had filed a complaint against the respondents under Section 138 of the Act as the cheques issued by the respondents were dishonoured. The cheques were presented at Indian Overseas Bank at Jalandhar, while they were dishonored at the Indian Overseas Bank, Baroda. The trial Court, by the order dated 13.10.2014 had returned the complaint for presentation at Baroda in view of the law laid down by the Supreme Court in the case of **Dashrath Rup Singh Rathod Vs. State of Maharashtra and another** reported as **2014 (3) RCR (CrI.) 904**, wherein it is held that the only Court within whose territorial jurisdiction, the cheque was dishonoured,

will be competent to try the case. Subsequently, Section 142-A was inserted in the Act vide the amendment w.e.f. 15.06.2015 wherein, it is stipulated that even the Court within whose jurisdiction the cheque has been presented is competent to try complaint under Section 138 of the Act.

Consequently, the petition is allowed and the impugned orders are set aside. The trial Court shall proceed with the complaint preferred by the petitioner, in accordance with law.

August 09, 2017

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No