

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-18126-2015

Date of Decision: August 16, 2018

Varinder Narang

.....Petitioner(s)

versus

Shari Mohammad Pathan Nabisa

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner is the complainant. He had preferred complaint No.RBT 560-2 instituted on 03.09.2012/21.09.2013 against the respondent under section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as “the Act”) in the Court of Sub- Divisional Judicial Magistrate, Abohar. The cheque was drawn on ICICI Bank, Bhilwara, Rajasthan. In view of the judgment of Hon'ble the Supreme Court of India passed in **Criminal Appeal No.2287 of 2009** titled as **Dashrath Rupsingh Rathod Vs. State of Maharashtra,,** decided on 01.08.2014, the complaint was returned for presenting it in the Court of competent jurisdiction at Bhilwara, vide order dated 11.05.2015. This order has been challenged in the present revision petition.

2. The impugned order was stayed by this Court vide order dated 28.05.2015. Subsequently, vide Act No.26 of 2015, section 142 (2) of the Act, has been amended and by virtue of this amendment, the Court within whose

jurisdiction the payee bank is situated, has the jurisdiction to try the complaint under section 138 of the Act. This position in law is not disputed by the parties.

3. In view of the above, instant revision petition is allowed; impugned order dated 11.05.2015, is set aside and the complaint is directed to be restored at its original number of institution.

4. Learned trial Magistrate shall proceed further with the case in accordance with law.

August 16, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No