

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.249

CRM-M-20539-2015
Date of decision : 27.08.2018

The Shri Shayam Co.-Op Urban (N.A) Thrift and Credit Society Limited
[

..... Petitioner

VERSUS

Nand Lal Tank

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.K. Saini, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner filed a complaint under Section 138 of the Negotiable Instruments Act, 1881, but the same was returned to him vide order dated 26.09.2014 passed by the trial Court, in view of the judgment of the Supreme Court in '**Dashrath Rupsingh Rathod Vs. State of Maharashtra and Anr. 2014 (3) RCR (CrL.) 904**'. His revision was also rejected vide impugned order dated 23.09.2014.

Learned counsel for the petitioner submits that pursuant to the amendment vide Act 26 of 2015, the Court within the territorial jurisdiction of which the payee or holder in due course of the cheque maintains a bank account shall have the jurisdiction to decide the complaint. Thus, the impugned order may be set-aside and the matter be remitted to the trial Court for trial of the complaint.

The respondent has not appeared despite service.

In view of the above, the petition is allowed. The impugned orders are set aside and the matter is remitted to the Court of Judicial Magistrate First Class, Hisar to proceed with the complaint No.1242-II of 06.05.2013, in accordance with law.

(SUDHIR MITTAL)
JUDGE

27.08.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No