

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

246

CRM-M-25203-2015

Date of Decision: September 13, 2018

The Kuber Co-Op Urban (N.A.) Thrift and
Credit Society Limited

.....Petitioner(s)

versus

Bhanwar Singh Chauhan

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

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

Sudhir Mittal, J. (Oral)

The petitioner preferred a complaint No.429-II dated 13.03.2012 under section 138 of Negotiable Instruments Act, 1881. Vide order dated 16.09.2014 (Annexure P-2) the learned Judicial Magistrate Ist Class, Hisar, returned the said complaint in view of judgment of the Supreme Court of India passed in **Dashrath Rupsingh Rathod Vs. State of Maharashtra and another 2014(3) RCR(Crl.) 904.** The Criminal Revision No.162 of 19.12.2014, against the said order, was dismissed vide order dated 13.02.2015 (Anneuxre P-4) passed by the Sessions Judge, Hisar.

Learned counsel for the petitioner places reliance upon order dated 27.08.2018 passed by this Court in **CRM-M-20539-2015**. He states that in view of the amending Act 26 of 2015, jurisdiction is now vested in the Court at Hisar.

In view of the above, the present petition is allowed; impugned order dated 16.09.2014 passed by the learned Judicial Magistrate Ist Class, Hisar and judgment dated 13.02.2015, passed by the Sessions Judge, Hisar, are set aside and the matter is remitted to the Court/Successor Court of the Judicial Magistrate Ist Class, Hisar with direction to entertain the complaint and proceed therewith on merits in accordance with law.

September 13, 2018

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**[SUDHIR MITTAL]
JUDGE**

Whether speaking/reasoned : Yes

Whether Reportable : No