

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

201

CRM-M-5704-2015

Date of Decision: July 17, 2018

Mehak Bansal

.....Petitioner(s)

versus

Neesa Leisure Limited and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Yogesh Gupta, Advocate, for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner has filed complaint under section 138 of Negotiable Instruments Act, 1881 (hereinafter referred as “The Act”), in the Court of Additional Chief Judicial Magistrate, Sangrur. By the impugned order dated 19.11.2014, the complaint was returned with a direction to file the same before the Magistrate having jurisdiction to try the case in view of the judgment of Hon'ble the Supreme Court of India passed in ***Dashrath Rup Singh Rathod Vs. State of Maharashtra, 2014(3) R.C.R.(Criminal) 904.***

Learned counsel for the petitioner submits that vide Act 26 of 2015, sub-section (2) of section 142 and section 142-A have been inserted in the Act. Thus, as per the amendment, the Court having jurisdiction over the branch of the bank, where the payee of the cheque or holder in due course, maintains the account, shall have jurisdiction to try the complaint. He submits that in view of the amendment, the impugned order cannot be sustained.

None appears for the respondents despite service.

In view of the above, order dated 19.11.2014, passed by the Court of Additional Chief Judicial Magistrate, Sangrur, is set aside. The complaint No.68, dated 13.06.2014 titled “Mehak Bansal Vs. Neesa Leisure Limited and others”, under section 138 of the Act, filed by the petitioner is ordered to be revived to its original number of institution and the concerned Court is directed to proceed therewith in accordance with law.

July 17, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No