

\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3667/2015**

DINESH KUMAR

..... Petitioner

Through: Mr. Prashant Diwan and Ms. Mishika
Vij., Advocates

versus

STATE & ANR

..... Respondents

Through: Mr. Akshai Malik, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

13.07.2018

The criminal complaint case 150/1/2010 of the petitioner alleging offence under Section 138 of the Negotiable Instruments Act, 1881 against the second respondent was returned by the Metropolitan Magistrate-02, New Delhi at Patiala House Courts complex by order dated 07.11.2014 pursuant to the ruling of the Supreme Court in *Dashrath Rupsingh Rathod Vs. State of Maharashtra and Anr., (2014) 9 SCC 129*.

The said order was challenged by the petition at hand presented on 08.09.2015 under Section 482 of the Code of Criminal Procedure, 1973.

The learned counsel for the petitioner submits that the legislature has since amended the Negotiable Instruments Act, 1881

and in terms of the said amendment, the jurisdiction to deal with the aforementioned criminal complaint vests in the same court which had returned the complaint. He submitted that he may be permitted to withdraw the present petition and approach the concerned Metropolitan Magistrate with a requisite prayer in terms of the amended law for the complaint to be taken up for further proceedings in accordance with law.

The petition is dismissed as withdrawn with liberty as prayed granted.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J

JULY 13, 2018

yg