

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

(237/1)

CRM-M No.25201-2015
DATE OF DECISION:-25.04.2023

The Shri Shayam Co-op Urban (NA) Thrift and Credit Society Limited
...Petitioner

VS.

Ram Chander Dahima

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

HARKESH MANUJA, J.

(1) The petitioner preferred a complaint No.391-II dated 22.04.2011 under section 138 of Negotiable Instruments Act, 1881. Vide order dated 29.09.2014 (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.171 of 22.12.2014, against the said order, was dismissed vide order dated 23.12.2014 (Annexure P-4) passed by the Sessions Judge, Hisar.

(2) 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.

(3) In view of the above, the present petition is allowed; impugned order dated 29.09.2014 passed by the learned Judicial Magistrate Ist Class, Hisar and judgment dated 23.12.2014, 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 after issuance of fresh notices to the respondent who

despite service chosen not to appear before this Court.

25.04.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No