



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.7166 OF 2019

BETWEEN:

JAINUDDIN
S/O ABBUSALI
AGED ABOUT 35 YEARS
R/AT CEMENT SALES
& STEEL AGENCIES
M.G. ROAD, MUDIGERE
CHICKMAGALUR - 577 132.

...PETITIONER

(BY SRI HARSHA G.C., ADVOCATE)

AND:

MANJEGOWDA
S/O LATE NAGEGOWDA
AGED ABOUT 55 YEARS
R/AT SARASWATHI PURAM
7TH CROSS, ADVOCATE
NANDHINI NILAYA
HASSAN - 573 201.

...RESPONDENT

(BY SRI NISHIT KUMAR SHETTY, ADVOCATE)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING THAT TO SET ASIDE THE ORDER DATED 08.04.2019 IN C.C.NO.2567/2018 MADE BY THE PRINCIPAL CIVIL JUDGE AND JMFC HASSAN AND ALSO ORDER DATED 25.06.2019 MADE IN CRL.R.P.NO.91/2019 BY THE 2nd ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN AND DISMISS THE APPLICATION FILED BY THE RESPONDENT U/S.143A OF THE N.I.ACT.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 08.04.2019 passed by Principal Civil Judge and J.M.F.C., Hassan (**Trial Court**) in CC no.2567/2018 on application filed by respondent under Section 143-A of Negotiable Instruments Act, 1881 (**NI Act**) and order dated 25.06.2019 passed by II Additional District and Sessions Judge, Hassan (**District Court**) in Criminal Revision Petition no.91/2019, this petition is filed.

2. Sri Harsha G.C., learned counsel appearing for Sri Nishit Kumar, advocate for petitioner submitted that petitioner was accused in private complaint filed by respondent (complainant) alleging offence punishable under Section 138 of NI Act. In said petition, respondent had filed application under Section 143-A of NI Act for interim compensation. Though same was opposed, without proper consideration and application of mind, learned trial Judge allowed application and directed petitioner to pay 20% of cheque amount within 60 days. Aggrieved thereby, petitioner filed Criminal Revision Petition no.91/2019 under Section 397 of Code of Criminal Procedure, 1973 (**CrPC**) before District Court.



3. Though Section 143-A of NI Act, as inserted by amendment, was held to be prospective in nature by Hon'ble Supreme Court in case of **GJ Raja v. Tejraj Surana**, reported in **AIR 2019 SC 3817**, learned District Judge relied upon decisions of High Court of Punjab and Haryana in **M/s. Ginni Garments v. M/s. Sethi Garments** and this Court in **Narasimha Murthy v. Santhosh J**, reported in **2019 (2) KCCR 1375** and holding it to be retrospective and dismissed revision petition.

4. In view of above, judgment passed by trial Court was without proper application of mind and District Court had erred holding amendment to NI Act inserting Section 143-A to be retrospective in nature was contrary to law and sought for allowing petition.

5. There is no representation on behalf of respondent. Since matter is of year 2019, same is taken up for disposal.

6. This petition is by petitioner (accused) challenging order passed by trial Court in allowing application filed under Section 143-A of NI Act and dismissing revision petition filed by petitioner against said order.



7. In **GJ Raja's** case (supra), Hon'ble Supreme Court has held amendment to NI Act, inserting Section 143-A to be prospective in nature i.e. it would be applicable only in case of offences committed after introduction of Section 143 into statute book.

8. Perusal of private complaint would indicate that incident giving rise to offence under Section 138 of NI Act is stated to have occurred on 20.05.2018, whereas Section 143-A of NI Act was introduced by Amending Act no.20/2018 with effect from 01.09.2018. Consequently, Section 143-A of NI Act would not apply. In view of above, petition would succeed.

9. Accordingly, petition is **allowed**, order dated 08.04.2019 passed by trial Court in CC no.2567/2018 on an application filed by respondent under Section 143-A of NI Act and order dated 25.06.2019 passed by District Court in Criminal Revision Petition no.91/2019 are **quashed**. Trial Court is directed to expedite disposal of main matter.

Sd/-
(RAVI V HOSMANI)
JUDGE