

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.207 of 2019
and
Crl.M.P.No.2092 of 2019

V.Thirupathi

...Petitioner

-Vs-

R.Kamal Madhavan

...Respondent

This Criminal Revision Petition is filed under Sections 397 read with Section 401 of Cr.P.C. praying to set aside the order passed in Crl.M.P.No.6832 of 2018 in S.T.C.No.4 of 2017 on the file of the learned Judicial Magistrate, Tambaram, dated 31.12.2018.

For Petitioner : Mr.M.Prabakar

O R D E R

This criminal revision has been filed against the order dated 31.12.2018 made in Crl.M.P.No.6832 of 2018 in S.T.C.No.4 of 2017 by the learned Judicial Magistrate, Tambaram, dismissing the petition filed under Section 143 A of the Negotiable Instrument (Amendment) Act 2018.

2 The respondent herein had filed a complaint against the petitioner under Section 138 of Negotiable Instruments Act and the learned Magistrate has questioned the petitioner/accused for which he pleaded not guilty. Pending the case, the respondent/complainant had filed a petition under Section 143 A seeking direction to the petitioner to deposit 20% of the cheque amount and the learned Magistrate after adverting to the materials placed on record, had allowed the petition and directed the petitioner/accused to deposit 20% of the cheque amount by order dated 31.12.2018. Against the order dated 31.12.2018, the accused has preferred the present criminal revision before this Court.

3 According to the learned counsel appearing for petitioner, the main case was filed in the year 2017 and the amended Act came into force in the year 2018 only and hence the newly amended Act has no retrospective effect. Therefore, the order dated 31.12.2018 passed by the Court below is liable to be interfered with.

4 Heard the learned counsel appearing for the petitioner and perused the materials placed on record.

5 On a perusal of the records, it is clear that before questioning the petitioner/accused, the Act was came into force and hence this Court does not find any illegality or infirmity in the order dated 31.12.2018 as stated by the petitioner. Therefore the criminal revision case is dismissed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To
The Judicial Magistrate,
Tambaram.

Crl.R.C.No.207 of 2019 and
Crl.M.P.No.2092 of 2019

Kak(13/03/2019)

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