

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.OP Nos.28075 & 28077 of 2019

1.M/s.J.K.Trading & Company,
Rep by its Proprietrix Mrs.Kuzhi

2.Kushi ... Petitioners in both Crl.O.Ps

Vs.

M/s.Konica Rexine Centre,
Rep by its Proprietor,
Mr.SachinRanawat. ... Respondent in both Crl.O.Ps

COMMON PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the conditional order of paying 20% of cheque amount passed by the Principal Session Court, Chennai dated 24.07.2019 in Crl.M.P.Nos.14233 & 14232 of 2019 filed in C.A.Nos.266 & 265 of 2019 filed against C.C.Nos.133 & 132 of 2017, respectively.

For Petitioners :Mr.V.Sambamurthy
in both Crl.O.Ps

C O M M O N O R D E R

These Criminal Original Petitions are filed to set aside the conditional order of paying 20% of cheque amount passed by the Principal Session Court, Chennai dated 24.07.2019 in Crl.M.P.Nos.14232 & 14233 of 2019 filed in C.A.Nos.265 & 266 of 2019 filed against C.C.Nos.132 & 133 of 2017.

2. The Hon'ble Supreme Court in the case of G.J.Raja Vs. Tejrai surana reported in (2019) 3 MLJ (Crl) 573 (SC), it was held that the operation of Section 143A can be applied only prospectively and since the petitioner's complaint was made prior to the introduction of Section 143A, the imposition of the condition and deposit 20% of the cheque amount in the impugned order cannot be proper.

3. Since the complaint was made in the year 2017, the amendment was came into effect from the year 2018. Hence, the relevant portion of the Judgment held by the Hon'ble supreme Court in the case of G.J.Raja (as cited supra), reads as follows:

"24.In the ultimate analysis, we hold Section 143A to be prospective in operation and that the provisions of said Section 143A can be applied or invoked only in cases where the offence under Section 138 of the Act was committed after the introduction of said Section 143A in the statute book. Consequently, the orders passed by the Trial Court as well as the High Court are required to be set aside. The money deposited by the Appellant, pursuant to the interim direction passed by this Court, shall be returned to the Appellant along with interest accrued thereon within two weeks from the date of this order."

4. In view of the same, the impugned order passed by the Principal Session Court, Chennai dated 24.07.2019 in CrI.M.P.Nos.14232 & 14233 of 2019 in C.A.Nos.265 & 266 of 2019 filed against C.C.Nos.132 & 133 of 2017, is set aside. The petitioner is directed to deposit 20% of cheque amount to the credit of C.C.Nos.132 & 133 of 2017 on the file of the Trial Court. All other observations made in the Trial Court is intact.

5. Accordingly, the Criminal Original Petitions are allowed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

vkr

To

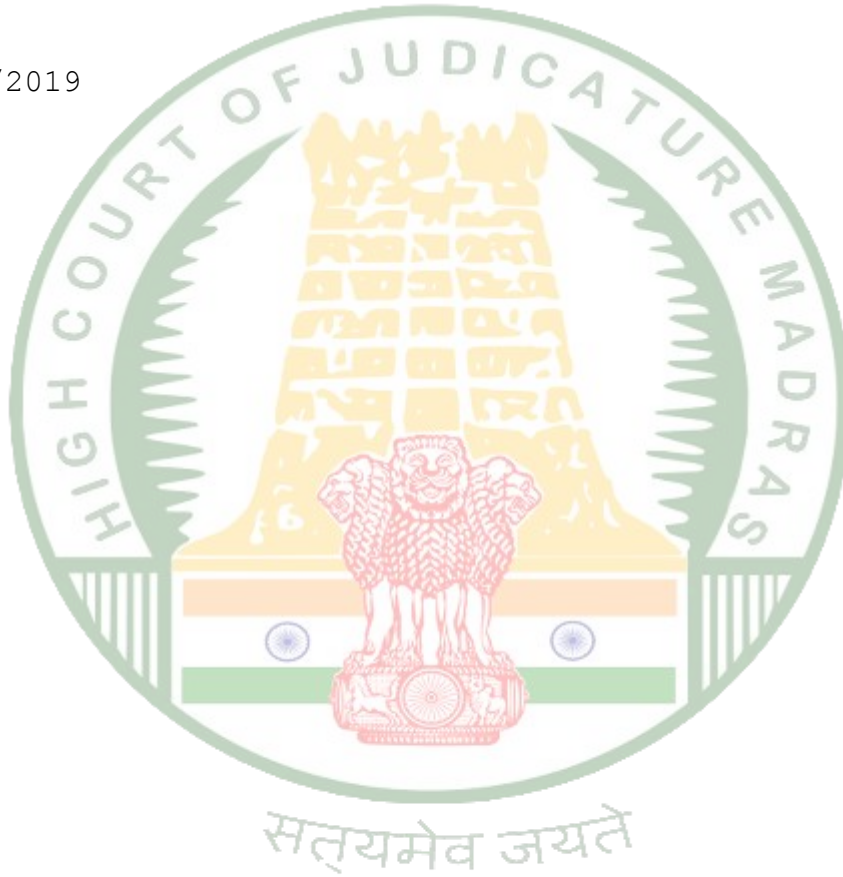
1.The Principal Sessions Judge,
Court of Sessions, Chennai.

2.The Metropolitan Magistrate,
FTC-IV, Chennai.

+4ccs to M/s.V.Sambamurthy, Advocate Sr.22437,88438

Cr1.OP Nos.28075 & 28077 of 2019

ppa[col]
srg 25/11/2019



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