



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	19.06.2019
Date of Order	20.09.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLICr1.R.C(MD)No.282 of 2019

R.Ramachandran : Revision Petitioner/ Petitioner/
Complainant

Vs.

J.Manivannan : Respondent/ Respondent/Accused

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order made in Cr.M.P.No.5022 of 2019 in STC No.196 of 2015, dated 08.03.2019 passed by the Judicial Magistrate No.V, Tiruchirappalli.

For Revision Petitioner : Mr.T.Vadivelan
For Respondent : No appearance

ORDER

This Criminal Revision is directed against the order passed in Cr.M.P.No.5022 of 2019 in STC No.196 of 2015, dated 08.03.2019 by the Judicial Magistrate No.V, Tiruchirappalli.

2.The petitioner preferred a complaint against the respondent under Section 138 of the Negotiable Instruments Act, in STC No.196 of 2015 alleging that the respondent borrowed a sum of Rs.50,000/- and gave a cheque bearing No.602881, dated 11.09.2014 to settle the loan and when the same was presented, it was returned as "Funds Insufficient". Hence, the case.

3.The said case is pending from the year 2015 onwards and hence, the petitioner had suffered severe mental agony and financial situation. In the above circumstances, the petitioner filed a petition in Cr.M.P.No.5022 of 2019 in STC No.196 of 2015 directing the respondent to pay a sum of Rs.10,000/- (in which 20% of the compensation amount of Rs.50,000/-). The learned Judicial Magistrate No.V, Tiruchirappalli, had dismissed the said petition on the ground that the petitioner did not plead his case properly with the quantitative of facts to establish his case and did not satisfy the court by proving the potential means to the respondent to pay the interim compensation. Aggrieved by the order of the trial court, the petitioner is before this Court.



4.The learned counsel appearing for the petitioner submitted that the petitioner preferred a complaint against the respondent under Section 138 of the Negotiable Instruments Act in STC No.196 of 2015 stating that the respondent borrowed a sum of Rs.50,000/- and gave a cheque bearing No.602881, dated 11.09.2014 to settle the loan and when the same was presented, it was returned as "Funds Insufficient" and the respondent intentionally gave his cheque by knowing the fact that the cheque will be dishonoured and hence, the respondent committed the offence under Section 138 of the Negotiable Instruments Act.

5.Heard the learned counsel appearing for the petitioner and perused the materials available on record. There is no representation for the respondent.

6.In this case, the petitioner filed a petition under Section 143(A) of the Negotiable Instruments Act of 20/18 for directing the respondent to pay a sum of Rs.10,000/- as interim compensation as per the petition in Cr.M.P.No.5022 of 2019. But the trial Judge dismissed the petition on the ground that this petitioner has not properly proved his case.

7.This petitioner claims interim compensation as per Section 143-A of the Negotiable Instruments Act. Section 143-A of the Negotiable Instruments Act was inserted during the year of 2018. But the occurrence is during the year of 2014. The Hon'ble Supreme Court clarifying that Section 143-A of the Negotiable Instruments Act shall not have a retrospective effect. Hence, the petitioner is not entitled to interim compensation. The reasons stated in the petition are not acceptable. Hence, in the interest of justice, this criminal revision is liable to be set aside.

8.In the result, this criminal revision fails and the same is **dismissed**.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To,

The Judicial Magistrate No.V,
Tiruchirappalli.

CrI.RC (MD) No.282 of 2019
20.09.2019