

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10807-2019

DATE OF DECISION:-08.03.2019

SATISH KUMAR

...PETITIONER...

V.

VIKRAM DEV AND ANR.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rose Gupta, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Prayer in this petition under Section 482 Cr.P.C. has been made for setting aside order dated 29.11.2018 (P-3), whereby, condition of depositing 20% of the cheque amount towards interim compensation has been imposed. With further prayer for setting aside subsequent orders dated 10.01.2019, 07.02.2019 and 20.02.2019.

Learned counsel contends that issue regarding operation of newly added Section 143-A of the Negotiable Instruments Act, retrospectively or prospectively, is pending before this Court. Therefore, till the decision of the above issue, the trial court, in the impugned complaint filed against the petitioner ought not to have ordered him to deposit 20% of the cheque amount.

This Court is not inclined to differ with the findings of the trial court. However, in the interest of justice, impugned order dated

29.11.2018 is modified to the extent that 20% cheque amount deposited by the petitioner shall be converted into some STDR in some nationalised bank fetching maximum rate of interest to save loss of interest to the party, whosoever shall finally be held entitled for the same at the time of conclusion of trial and keep the original STDR receipt with it, till further orders.

Disposed of.

08.03.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No