

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13060-2019
DATE OF DECISION:-20.03.2019

M/S GLOBAL COOLING TOWERS & ...PETITIONERS...
EQUIPMENT AND ORS.

V.

M/S FRP CONNECTIONS ...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Baljeet Beniwal, Advocate,
for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing order dated 22.10.2018 (P-2) of ld. Addl. Sessions Judge, Gurugram, whereby petitioners have been directed to deposit 20% of the compensation amount as per Sections 143-A and 148 of the Negotiable Instruments Act, 1881 (for short 'Act') (amended in August 2018).

Relying upon judgment of this Court passed in CRA-1726-SB-2002, titled as "*Shobha Mandal vs. State of Haryana*", decided on 28.03.2007, learned counsel submits that the offence allegedly committed by the petitioners pertains to the year 2016, whereas, the amendment in the Act came into being in August 2018. Section 143-A of the Act cannot be made applicable retrospectively. As such, the

appellate court has illegally directed the petitioners to deposit 20% of compensation to entertain their appeal.

Having given thoughtful consideration, but without going into the merits of the case, in the fitness of things, the impugned order dated 22.10.2018 (P-2) of ld. Addl. Sessions Judge, Gurugram, is modified to the extent that 20% of the compensation amount so ordered to be deposited by the petitioner shall be converted into a STDR of some nationalised bank, fetching maximum rate of interest in the name of the court to save loss of interest to the party, who shall finally be held entitled for the same by the Sessions Court, and keep the original STDR receipt with him, till further orders.

Disposed of.

20.03.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No