

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

114)

Crl. Misc. No.M-19902 of 2019

Date of Decision: 26.11.2019

Kamaljit Singh

...Petitioner

Versus

Gurdeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gitish Bhardwaj, Advocate, for the petitioner.

Amol Rattan Singh, J. (ORAL)

Today learned counsel for the petitioner has relied upon a judgment of the Supreme Court in G.J. Raja v. Tejraj Surana, 2019 (3) RCR (Crl.) 959, wherein it has been held that Section 143A (inserted in the Negotiable Instruments Act, 1881 w.e.f 01.09.2018), would have only prospective operation, with it to be invoked only in cases where the offence under Section 138 of the Act was committed after the introduction of the provision (Section 143A).

Mr. Bhardwaj points to the fact that the complaint (copy Annexure P-2) in question, instituted by the respondent, is dated 03.06.2016.

It is seen that even as per the report received from the District and Sessions Judge, Fatehgarh Sahib, the respondent stands served of the notice initially issued, though belatedly at that stage.

However, many dates of hearing having gone by thereafter and in fact the operation of the impugned order having been stayed at the time when notice of motion was issued, on 02.05.2019 itself, the respondent has

chosen not to put in an appearance. Obviously he is not interested in contesting this petition, by which the petitioner seeks quashing of the impugned order, by which 20% of the amount of the cheque in question had been ordered to be deposited by the trial court.

Considering the above, the petition is allowed, with the impugned order dated 20.02.2019 set aside.

Obviously, setting aside of the order will have no bearing whatsoever on the merits of the case of either party, the order set aside being only one directing the deposit of 20% of the amount of the cheque in question in terms of Section 143A of the Act of 1881, which has been held to be operating only prospectively, by the Supreme Court.

(AMOL RATTAN SINGH)
JUDGE

26.11.2019
vcgarg

Whether reasoned/speaking: Yes
Whether reportable: No