

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-22164-2019 (O&M)
Date of decision : 06.11.2019

Adarsh Kumar Bansal

...Petitioner

Versus

Joginder Pal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Singla, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Respondent is not present in spite of service.

By impugned order, learned Judicial Magistrate in terms of amendment in the Negotiable Instruments Act, has directed the petitioner-accused to deposit the interim compensation to the extent of 20% of the cheque amount.

Learned counsel for the petitioner submits that the aforesaid order is not sustainable in view of the judgment passed by this Court in the case of **M/s Ginni Garments and another Vs. M/s Sethi Garments, CRR No.9872 of 2018, decided on 04.04.2019.**

In the aforesaid judgment, it has been held that the amendment is not applicable to the pending complaints. In the present

case, complaint was filed on 07.07.2017 whereas Section 143-A of the Negotiable Instruments Act, 1881 was inserted w.e.f. 01.09.2018.

Keeping in view the aforesaid facts, order passed by the Judicial Magistrate, Ist Class, cannot be sustained, hence, set aside.

Accordingly, the present petition is allowed.

06.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No