

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.M-28637 of 2019

Date of Decision: September 20, 2019.

M/s Harbans Turning Works and anotherPetitioners

versus

M/s Narain & CompanyRespondent

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Samrit Gill, Advocate, for the petitioners

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Anil Kshetarpal, J. (Oral)

As per the office report, service on the respondents is complete.

Challenge is to the order dated 05.04.2019 passed by the learned Sub Divisional Judicial Magistrate, Amloh directing the petitioners to deposit 20% of the cheques amount as interim compensation. On 12.07.2019, following order was pass:-

“Learned counsel for the petitioners contends that the interim compensation had been directed to be paid by the trial Court in view of provision introduced through Amendment Act, 2018 by adding Section 143-A of the Negotiable Instruments Act, 1881. However, such amendment has not been made retrospective and, therefore, cannot apply in the cases, pending trial. He relied upon judgment passed by this Court in the case of **M/s Ginni Garments and another versus M/s Sethi Garments and another, 2019(2) RCR (Criminal) 833,** which has also been approved by Hon'ble the Supreme Court in **Criminal Appeal Nos.917-944 of 2019 vide judgment dated 29.05.2019.**

Notice of motion for 06.08.2019.

In the meantime, effect⁶ and operation of impugned order (Annexure P-5) is stayed.

Dasti also.

It has been submitted that the cheques in question were issued on 14.05.2014 and 16.05.2014 and the complaint was filed in the year 2014 itself. The amendment in Section 143-A of the Negotiable Instruments Act came to be added w.e.f. 02.08.2018.

In view of the judgment referred to in the order dated 12.07.2019, the amendment is not applicable to the complaints which were filed before the date the amended Act was enforced. Hence, the order under challenge to set-aside.

Disposed of.

September 20, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No