

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2020

Coram

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.OP Nos.24947, 24956 and 25051 of 2019
and
Crl. MP Nos.13328, 13332 and 13372 of 2019

1. Solar Designs Pvt. Ltd.
rep. by its Managing Director
Mr.AAK Apath Sakayaayam

2. AAK Apath Sakayaayem ... Petitioners in all
Crl. OPs

-vs -

M/s.V.J. Traders,
rep. by its Partner
S. Balasubramanian

... Respondent in all
Crl. OPs

Prayer in Crl. OP No.24947 of 2019: Criminal Original
Petition is filed under Section 482 of Criminal Procedure Code
to set aside the impugned order passed against the petitioner in
Crl. M.P. No.879 of 2019 in C.C. No.4330 of 2016 on the file of
Metropolitan Magistrate, Fast Track Court - I, Egmore, Chennai,
dated 12.06.2019.

Prayer in Crl. OP No.24956 of 2019: Criminal Original
Petition is filed under Section 482 of Criminal Procedure Code
to set aside the impugned order passed against the petitioners
in Crl. M.P. No.878 of 2019 in C.C. No.4328 of 2016 on the file
of Metropolitan Magistrate, Fast Track Court - I, Egmore,
Chennai, dated 12.06.2019.

Prayer in Crl. OP No.25051 of 2019: Criminal Original
Petition is filed under Section 482 of Criminal Procedure Code
to set aside the impugned order passed against the petitioner in
Crl. M.P. No.882 of 2019 in C.C. No.4337 of 2016 on the file of
Metropolitan Magistrate, Fast Track Court - I, Egmore, Chennai,
dated 12.06.2019.

For Petitioners in all Crl. OPs. : Mr.R.Rajasekaran

For Respondent in all Crl. OPs : Mr.V.Sivaperuman

ORDER

(This case has been heard through video conference)

These criminal original petitions have been filed seeking the relief to set aside the impugned order passed against the petitioners in Crl. M.P. No.879 of 2019 in C.C. No.4330 of 2016, Crl. M.P. No.878 of 2019 in C.C. No.4328 of 2016 and Crl. MP. No.882 of 2019 in CC No.4337 of 2016 of 2016 respectively on the file of the learned Metropolitan Magistrate, Fast Track Court - I, Egmore, Chennai, all dated 12.06.2019.

2. Heard both sides

3. The petitioners in these petitions are arrayed as Accused 1 & 2 in the above referred calendar cases, which are pending on the file of the learned Metropolitan Magistrate, Fast Track Court - I, Chennai. The respondent herein has instituted the above referred cases against these petitioners under Section 138 of Negotiable Instruments Act and these cases were in the trial stage.

4. Pending trial, the respondent / complainant has filed separate applications under Section 143A of the Negotiable Instruments Act before the learned Metropolitan Magistrate - I, Fast Track Court, Saidapet, Chennai to award Interim compensation of Rs.6,750/-, Rs.19,700/- and Rs.20,000/- in respect of each applications to the sole respondent.

5. The Court below has considered the aforesaid applications and assigned the case Nos. as Crl. MP Nos.879 in C.C. No.4330 of 2016, Crl. M.P. No.878 of 2019 in C.C. No.4328 of 2016 and Crl. MP. No.882 of 2019 in CC No.4337 of 2016.

6. The Court below has further issued separate orders, all dated 12.06.2019, which are impugned in these petitions, directing the petitioners to pay a sum of Rs.6,750/-, Rs.19,700/- and Rs.20,000/- respectively towards interim compensation to the respondent/complainant and the aforesaid amounts to be paid on or before 14.08.2019.

7. Aggrieved over the same, the petitioners are before this Court for the reliefs as prayed for.

8. The first and foremost contention raised by the learned counsel appearing for the petitioners is that the new amendment Act of 143A was inserted in the year 2018 and came into force from 01.09.2018. In such circumstances, the decision of the Hon'ble Supreme Court in the case of G.J.Raja versus Tejraj Surana reported in 2019 (3) Crimes 275 (SC) held that the said

Act is only prospective in nature and therefore, it cannot be held that the said amendment is applicable to the present case. He would further contend that though the impugned orders have been passed on 12.06.2019 but the alleged transaction in respect to the petition mentioned cases happened in the year 2014 and therefore, the amendment now referred above in Section 143-A is not applicable to the present case.

9. On the other hand, the learned counsel for the respondent would submit that in respect of the compensation awarded in the impugned orders, the respondent herein has no intention to stick on with the same, but prays this Court that a direction may be issued to the learned Metropolitan Magistrate - I, Fast Track Court, Saidapet, Chennai to dispose of C.C. No.4330 of 2016, C.C. No.4328 of 2016 and CC No.4337 of 2016, within a time frame as stipulated by this Court.

10. On considering the rival submission made by the learned counsel on both sides, it is not in dispute that the alleged occurrence happened in the year 2014, and though the impugned orders were passed only on 12.06.2019, much after the amendment came into effect, however, on the applicability of Section 143A of Negotiable Instruments Act, 1881, the decision of the Hon'ble Supreme Court, cited earlier is as under :-

(1) Applicability of Section 143A of Negotiable Instruments Act, 1881 must be held to be prospective in nature and confined to cases where offences were committed after introduction of Section 143A.

11. Thus, it is clear that the new amendment is applicable to the cases in which the offences are committed after insertion of 143-A of Negotiable Instruments Act. But in the instant case, the alleged occurrence happened in the year 2014, and hence, this Court is of the view that the impugned orders are liable to be set aside. However, considering the fact that the aforesaid calendar cases are of the year 2016, a suitable direction to be issued to the learned Magistrate to dispose of the aforesaid cases within a time frame.

12. For the aforesaid reasons, the impugned orders passed against the petitioners in Crl. M.P. No.879 of 2019 in C.C. No.4330 of 2016, Crl. M.P. No.878 of 2019 in C.C. No.4328 of 2016 and Crl. MP. No.882 of 2019 in CC No.4337 of 2016 of 2016 respectively on the file of Metropolitan Magistrate, Fast Track Court - I, Egmore, Chennai are hereby set aside.

13. Accordingly, the learned Metropolitan Magistrate, Fast Track Court - I, Egmore, Chennai is directed to dispose of C.C. No.4330 of 2016, Crl. M.P. No.878 of 2019 in C.C. No.4328 of 2016 and Crl. MP. No.882 of 2019 in CC No.4337 of 2016 of 2016,

within a period of three months from the date of receipt of a copy of this order.

14. In the result, these Criminal Original petitions are allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

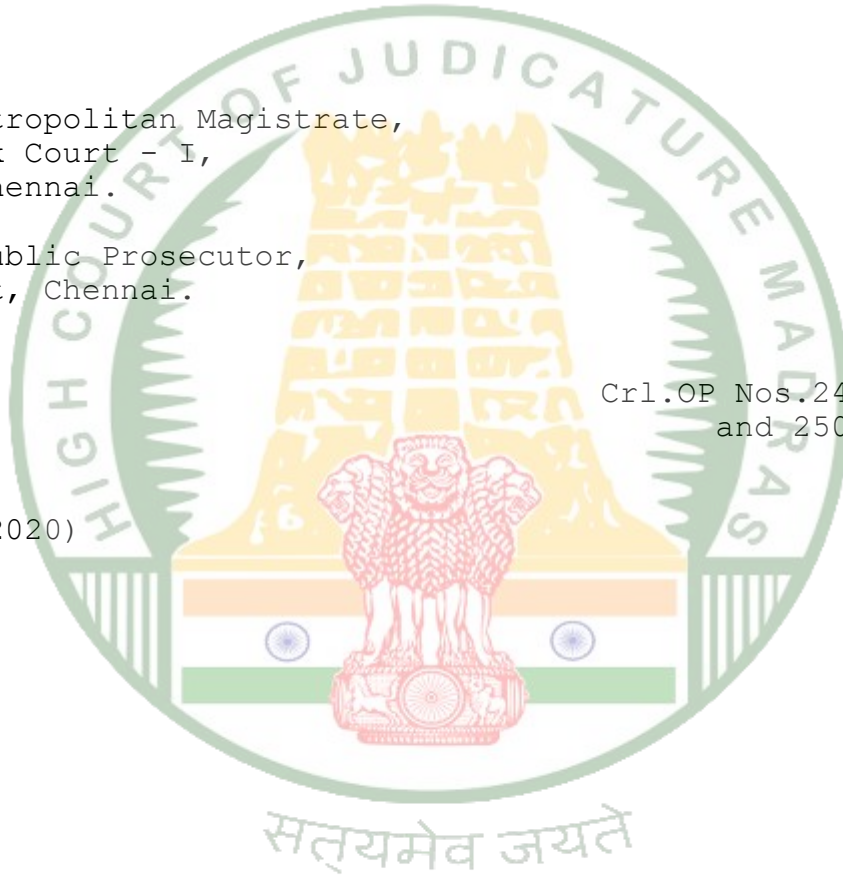
To

1. The Metropolitan Magistrate,
Fast Track Court - I,
Egmore, Chennai.

2. The Public Prosecutor,
High Court, Chennai.

Crl.OP Nos.24947, 24956
and 25051 of 2019

BR(CO)
RV(09/11/2020)



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