

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

(1) CRM-M-25223 of 2019 (O&M)

TDI Infrastructure Pvt. Ltd. and others

...Petitioners

Versus

Vishal Jain

...Respondent

(2) CRM-M-25138 of 2019 (O&M)

TDI Infrastructure Pvt. Ltd. and others

...Petitioners

Versus

Vishal Jain

...Respondent

Date of decision: 10.02.2020

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Munish Gupta, Advocate for the petitioners.

Mr. Sukhdeep Singh, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This order will dispose of above mentioned two petitions as common issue have been involved in both of them.

In a complaint under Section 138/142 of the Negotiable Instruments Act (for short 'the Act'), filed by complainant Vishal Jain, accused TDI Infrastructure Pvt. Ltd. through its authorized signatory Sh. Ved Parkash and others, during the pendency of the trial, while disposing of application under Section 143-A of the Act on behalf of the complainant, seeking direction to the accused to pay compensation

of 20% of the cheque amount to the complainant, vide impugned order dated 21.05.2019, Trial Magistrate accepted the application, directing the accused to pay 10% of the cheque amount as interim compensation to the complainant.

This order left the accused aggrieved and they have approached this Court by way of filing the petitions under Section 482 Cr.P.C.

These petitions are being contested by the complainant/respondent.

The arguments advanced by learned counsel for the parties have been heard.

Learned counsel for the petitioners has pressed into service judgment by the Apex Court i.e. **G.J. Raja Vs. Tejraj Surana, 2019 (3) RCR (Criminal) 959**, wherein, it has been observed that applicability of Section 143-A of the Act is prospective in nature and is confined to cases where offence were committed after introduction of provision. This amendment is said to have come into operation w.e.f. 01.09.2018, whereas, the cheque in question which is subject matter of the complaint, is prior to that. This judgment was pronounced after passing of the impugned order. Therefore, as agreed between the counsel, the impugned order is set aside and the matter is remanded to the Trial Magistrate with a direction to decide the application, keeping in view the latest law on the subject by giving opportunities to both the

parties to address arguments on the point and cite law in support of their contentions. The parties through counsel are directed to appear before the Trial Magistrate on 26.02.2020.

Disposed of.

10.02.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No