

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

WRIT PETITION NO.595 OF 2019

Sailesh Sreeramulu and Anr. ...Petitioners
Vs
Vistara ITCL (INDIA) Ltd.,
and Ors. ... Respondents

...

E.A.Sasi for the Petitioners.
Mr. Rajesh Kanojia i/by Res Juris for R.No.1.
Mr. A.R. Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : DECEMBER 14, 2021.

P.C. :

The Apex Court in the case of **G.J.Raja v. Tejraj Surana** in **Criminal Appeal No.1160 of 2019** has held in paragraph 24 thus;

“24 In the ultimate analysis, we hold Section 143A to be prospective in operation and that the provisions of said Section 143A can be applied or invoked only in cases where the offence Under Section 138 of the Act was committed after the introduction of said Section

143A in the statute book. Consequently, the orders passed by the Trial Court as well as the High Court are required to be set aside. The money deposited by the Appellant, pursuant to the interim direction passed by this Court, shall be returned to the Appellant along with interest accrued thereon within two weeks from the date of this order.”

2 The ratio laid down in the aforesaid judgment squarely applies to the facts of this case. In this case, offence under Section 138 of the Negotiable Instruments Act, 1881 was committed before the introduction of Section 143A in the statute book. In that view of the matter, order dated 27th November, 2018 passed by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier in Complaint No.4426 of 2017 is quashed and set aside.

3 Writ Petition is allowed and disposed of in the aforesaid terms.

(SANDEEP K. SHINDE,J.)