

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 1171 OF 2019

Manohar s/o Basantmal Motwani,
Aged 41 years,
Occupation – Private Service,
R/o Sindhi Colony, Ward No.3,
Bemetara, Tahsil and District Bemetara,
C.G.

.... **APPLICANT**

VERSUS

Sunil Kumar s/o Ratanchand Jain,
Aged 52 years,
Occupation – Business,
R/o Ganesh Nagar, Near Ashoka Hall,
Gondia, Tahsil & District Gondia.

.... **NON-APPLICANT**

Mr. S.G. Karmarkar, Counsel for the applicant,
None for the non-applicant.

CORAM : ROHIT B. DEO, J.
DATED : 10th FEBRUARY, 2021

ORAL JUDGMENT :

Heard Mr. S.G. Karmarkar, learned Counsel for the applicant.

2. The non-applicant was served with the notice issued by this Court sometime in February, 2020. However, since the non-applicant did not appear, this Court directed issuance of fresh notice. Despite the

service of fresh notice, the non-applicant has not appeared.

3. In any event, the issue is squarely covered by the decision of the Supreme Court in *G.J. Raja vs. Tejraj Surana, (2019) 19 SCC 469*.

4. The applicant is the accused in Summary Criminal Case 1646/2017 instituted by the non-applicant under Section 143-A of the Negotiable Instruments Act, 1881 ("Act" for short).

5. Vide order dated 04-7-2019, the learned trial Court allowed the application under Section 143-A of the Act and directed the applicant-accused to pay interim compensation.

6. Section 143-A of the Act is interpreted by the Supreme Court as being prospective in nature and confined to cases where the offences were committed after the introduction of Section 143-A. The said provision was inserted in the Act with effect from 01-9-2018.

7. Indubitably, the said provision shall not apply since the alleged offence is committed prior to its introduction in the statute.

8. The impugned order is unsustainable.

9. The application is allowed in terms of prayer clause (i), which reads thus :

“(i) Quash and set aside order below Exhibit 21 dated 04-7-2019 passed by the Judicial Magistrate First Class, Court No.6 in Summary Criminal Case No.1646/2017 (Sunil vs. Manohar) and further be pleased to reject an application Exhibit 21.”

JUDGE

adgokar