

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.2691,2692,2696,2700 and 4526 of 2021
and

CRL.M.P.Nos.1474,1476,1477,1479 and 2893 of 2021

P.Vasanthamani .. Petitioner
in all Crl.O.Ps

Vs.

1.M.Shanmugam Chettiar ... Respondent
in Crl.O.P.No.2691 of 2021

2.D.Ravi Chettiar ... Respondent
in Crl.O.P.No.2692 of 2021

3. M.Dhananjayan Chettiar .. Respondent
in Crl.O.P.No.2696 of 2021

4. D.Delhi Babu Chettiar .. Respondent
in Crl.O.P.No.2700 of 2021

5. M.Padmanabha Chettiar .. Respondent
in Crl.O.P.No.4526 of 2021

Prayer in Crl.O.P.No.2691 of 2021 : Criminal Original Petition filed under Section 482 of Cr.P.C. to set aside the conditional orders dated 04.10.2019 made in Crl.M.P.Nos.2114, 2115, 2116, 2117 and 2118 of 2018 in C.C.Nos.20, 21, 22, 23 and 24 of 2018 respectively on the file of the District Munsif cum Judicial Magistrate, Pallipattu (FAC) by appreciating the fact and circumstances.

For Petitioner in all Crl.OPs. : Mr.M.Guruprasad

For Respondent in all Crl.OPs. : Mrs.Nalini Chidambaram
Senior Counsel for
M/s C.Uma

ORDER

The issues involved in all these petitions are common and hence they are taken up together, heard and disposed of through this common order.

2.The respondents in these petitions have filed individual complaints against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. During the pendency of the complaint, the respondents have filed an application under Section 143(A) of Negotiable Instruments Act to direct the petitioner to deposit 20% as interim compensation, pending disposal of the complaint. The Court below allowed these applications and directed the petitioner to deposit 20% of the cheque amount in each complaint. Aggrieved by the same, the present petition has been filed before this Court.

3.Heard Mr.M.Guruprasad, learned counsel appearing on behalf of the petitioner and Mrs.Nalini Chidambaram, learned Senior Counsel appearing on behalf of the respondents.

4.The short issue that has been placed for the consideration of this Court in all these petitions is as to whether the Court below was right in giving a retrospective effect to the provisions of the Section 143(A) of the Negotiable Instruments Act?

5.The law on this issue is no longer *res integra* and the same has been settled by the Hon'ble Supreme Court of India in the case of *G.J.Raja vs. Tejraj Surana* reported in 2019 3 MLJ Cr1 573. The Hon'ble Supreme Court has categorically held that the provision has only a prospective effect and it cannot be applied to the pending cases.

6.In the present case, the complaint has been instituted by the respondents on 06.02.2018 and Section 143(A) came into force only with effect from 06.08.2018. Therefore, obviously the provision will not apply to the complaint instituted by the respondents.

7.In view of the above, the impugned orders passed by the Court below directing the petitioner to deposit 20% of the cheque amount, is liable to be set aside and accordingly, the same is hereby set aside.

8.All the Criminal Original Petitions are allowed and there shall be a direction to the Court below to complete the proceedings in C.C.Nos.20, 21, 22, 23 and 24 of 2018, within a period of three months from the date of receipt of copy of this

order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

The District Munsif cum Judicial Magistrate (FAC),
Pallipattu.

+5cc to Mr.Guruprasad, Advocate, S.R.No.16792, 16793, 16794,
16795, 16796

Crl.O.P.Nos.2691, 2692, 2696,
2700 and 4526 of 2021
and
CRL.M.P.Nos.1474, 1476, 1477,
1479 and 2893 of 2021

PMK (CO)
KM(21/04/2021)

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