

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.06.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.20519 of 2020
and
Crl.M.P.No.8632 of 2020

P.A.Arumugam

... Petitioner

Vs.

G.Neela

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 09.10.2020 passed by the Judicial Magistrate Palacode in Crl.M.P.No.287 of 2018 for granting Interim Compensation of 20% of the cheque amount within a period of 60 days as per the New Amendment Act u/s.143 (A) (2) of the N.I.Act in C.C.No.211 of 2017 on the file of the Judicial Magistrate Palacode.

For Petitioner : Mr.H.Manojin

For Respondent : Mr.G.Murugesan

O R D E R

This petition has been filed to set aside the order dated 09.10.2020 passed by the Judicial Magistrate Palacode in Crl.M.P.No.287 of 2018 for granting Interim Compensation of 20% of the cheque amount within a period of 60 days as per the New Amendment Act u/s.143 (A) (2) of the N.I.Act in C.C.No.211 of 2017 on the file of the Judicial Magistrate Palacode.

2. Heard both sides and perused the materials available on record.

3. The respondent lodged a complaint against the petitioner for offences punishable under Section 138 of Negotiable Instrument Act, in C.C.No.211 of 2017 on the file of the Judicial Magistrate, Palacode. While pending trial, the respondent filed a petition under Section 143 (A) (2) of the

Negotiable Instrument Act, for direction for interim compensation of 20% of the cheque amount, as per the Amended Act. The Trial Court allowed the petition and directed the petitioner to deposit 20% of the cheque amount, as compensation within a period of 60 days.

4. The learned counsel for the petitioner submitted that the complaint was filed in the year 2017, and the provision under Section 143 (A) (2) has been inserted in the year 2018, therefore, it is not retrospective in nature. Therefore, the Trial Court ought not to have allowed the petition filed under Section 143 (A) (2) of Negotiable Instrument Act.

5. In this regard, already the Hon'ble Supreme Court of India held that, the provision under Section 143(A) (2) is effect retrospectively. The Act No.20 of 2018, came into force with effect from 01.09.2018. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

6. Hence, this Criminal Original Petition is dismissed and the Judicial Magistrate, Palacode is directed to complete the proceedings in C.C.No.211 of 2017, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

nti/ata

To

1. The Judicial Magistrate,
Palacode.
2. Do-Through,
The Chief Judicial Magistrate,
Palacode.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

CrI.O.P.No.20519 of 2020

EV(CO)
UMA(15/07/2022)