

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 CRIMINAL WRIT PETITION NO.904 OF 2022

**KALIDAS BHAGWAN PANDE
VERSUS
PANDIT SANTUKRAO PANDE**

Mr. Anand S. Deshpande, Advocate for the petitioner
Ms. Anagha Pedgaonkar, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 01st FEBRUARY, 2023

P. C.

1. The petition is against the order dated 28-03-2022 passed by learned JMFC, Partur below Exh. 22 in SCC No.178/2018 directing the petitioner to deposit 20% of the cheque amount in view of Section 143(a) of the Negotiable Instruments Act. It is the submission of the petitioner as already recorded in the order passed by this court dated 29-08-2022 that the provision of Section 143A came into effect from 01-09-2018. In this case, cause of action arose on 18-07-2018. The court has also considered the judgment in the case of G. J. Raja Vs Tejraj Surana in Criminal Appeal No. 1160/2019 decided on 30-07-2019. The Hon'ble Apex Court has held that the provision of Section 143A cannot be made applicable where the cause of action arose before amendment came into existence.

2. On going through the record it appears that in this case the learned JMFC, Partur has directed the petitioner by order dated 28-03-2022 to deposit 20% amount of the cheque. Considering the above, it is clear that where the cause of action is arose earlier to the amendment of Section 143(a) of the N. I. Act the provision of said section cannot be made applicable.

3. Learned advocate for the respondent opposes the petition.

4. Considering the above position, this court finds that there is merit in the petition and the impugned order deserves to be quash and set aside. Hence, the following order:-

ORDER

a] The writ petition stands allowed in terms of prayer clause 'B'.

[KISHORE C. SANT, J.]