



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2023

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.27011 of 2022

and

Crl.M.P.Nos.16581 & 17882 of 2022

M/s. Mediaone Global Entertainment Ltd.,
Rep. by its Authorised Signatory,
Mr.Jayakumar .. Petitioner/1st respondent/1st Accused

Vs.

M/s Ad Bureau Advertising Pvt.Ltd.,
Rep. by its Managing Director,
Mr.Abirchand Nagar .. Respondent/Petitioner/complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 11.10.2022 in Criminal M.P.No.29735 of 2022 in C.C.No.3082 of 2015 on the file of the Court of Metropolitan Magistrate, Fast Track Court - I, Egmore at Allikulam, Chennai.



WEB COPY For Petitioner : Mr.T.Saikrishnan

For Respondent : Mr.Abirchand Nahar
Rep.by M/s Ad.Bureau Advertising (P) Limited

ORDER

This petition has been filed seeking to quash the order passed by the Court below in Crl.MP.No.29735 of 2022 in CC No.3082 of 2015 dated 11.10.2022, directing the petitioner to pay 20 % of the Cheque amount as per Section 143A of the Negotiable Instruments Act (hereinafter called as the “NI Act”).

2. The respondent filed a complaint under Section 138 of the Negotiable Instruments Act as against eight accused persons. The petitioners were arrayed as Accused 1 and 2. The respondent / complainant filed an application in Crl MP No.29735 of 2022 seeking for a direction to the petitioners to pay 20% of the cheque amount and also for impounding the passport of the petitioner. The Court below on considering the rival claim was pleased to partly allowed the application by directing the petitioner to pay 20% of the Cheque amount as per Section 143 A of



the NI Act. However, insofar as the relief of impounding of passport is concerned, the same was denied by the Court below. Aggrieved by the same, the petitioner has filed this Criminal Original petition.

3. Heard Mr.T.Saikrishnan, learned counsel for the petitioner and Mr.Abirchand Nahar, appeared in person and argued the case.

4. The short issue that arises for consideration is as to whether the Court below was right in directing the petitioners to pay 20% of the cheque amount to the respondent.

5. The complaint in this case was filed in the year 2015. There was a controversy as to whether Section 143A of the Act can be invoked even for the pending proceedings initiated before the said provision was brought into effect from 01.09.2018. This controversy was set at rest by the Apex Court in ***[G.J.Raja Vs.Tejraj Surana]* reported in 2019 3 MLJ CrI.573**. The Apex Court in no uncertain terms held that the amendment which brought in under Section 143 A of the NI Act can have only a prospective effect and it cannot be applied to the pending



cases. In view of this judgement of the Apex Court, the Court below was not right in directing the petitioners to deposit 20% of the cheque amount since the complaint was instituted in the year 2015 and at that point of time, Section 143 A of the Act was not in force.

6. This Court was trying to understand as to why there is a delay in the disposal of the complaint before the Court below. It is seen from records that originally there were eight accused persons in this case, Criminal original petitions were filed before this Court by the other accused persons in Crl.OP No.246 of 2016. Pursuant to the same, the proceedings were quashed insofar as A2, A4, A5, A6, A7 and A8 by order dated 16.12.2021. Thereafter, it is only the petitioners who are facing the trial before the Court below. Due to the pendency of the earlier criminal original petition and the interim orders granted by this Court, there has been absolutely no progress in the proceedings before the Court below.

7. In the light of the above discussion, the order passed by the Court below in Crl MP No.29735 of 2022 dated 11.10.2022 is hereby set aside. There shall be a direction to the Court below to complete the proceedings in CC No.3082 of 2015 within a period of three months from



the date of receipt of a copy of this order. The Court below shall ensure that the proceedings are conducted on a day today basis and after the completion of the proceedings, a compliance report shall be filed before this Court.

8. In the result, this Criminal Original Petition is disposed of with the above directions. Consequently, the connected miscellaneous petitions are closed.

26.07.2023

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
rka

To

1. The Metropolitan Magistrate, Fast Track Court - I,
Egmore at Allikulam, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



WEB COPY



6

N. ANAND VENKATESH,J

rka

Crl.O.P.No.27011 of 2022
and
Crl.M.P.Nos.16581 & 17882 of 2022

26.07.2023