



Cont.P.No.1209 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.09.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

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R.Magesh

... Petitioner

Vs.

1. M/s.Vel and Company,
Rep. by its Partners,
C.K.Velu and J.Gajendran
No.95/1, East 2nd Cross Street,
Ganesh Nagar,
Arakkonam – 631 003.

2. C.K.Velu
3. J.Ganendran

... Respondents

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for the contempt of order of this Court dated 10.10.2023 made in Crl.O.P.No.7754 of 2021.

For Petitioner : Mr.G.Jermiah

For Respondents

For R2 : Mr.G.Ravikumar

For R3 : Mr.A.Lakshminarasimhan



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ORDER

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This Contempt Petition has been filed to punish the respondents for non compliance of the order dated 10.10.2023, passed by this Court in Crl.O.P.No.7754 of 2021, thereby directed the respondents to remit 20% of the cheque amount to the credit of C.C.No.162 of 2018 within a period of thirty days.

2. The petitioner lodged complaint as against the respondents for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”) alleging that the respondents issued cheque towards their liability to the tune of Rs.1,50,50,000/-. It was presented for collection and the same was returned dishonoured for the reason “funds insufficient”. After causing legal notice, the petitioner lodged a complaint and the same was taken cognizance by the learned Judicial Magistrate, Arakkonam, in C.C.No.162 of 2018.

3. The petitioner also filed an application in Crl.M.P.No.3997 of 2019 in C.C.No.162 of 2018 under Section 143-A of the NI Act, seeking



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direction to the respondents to deposit 20% of the cheque amount. However, it was dismissed by the trial Court by an order dated 02.03.2021. Aggrieved by the same, the petitioner preferred a petition before this Court in Crl.O.P.No.7754 of 2011 and this Court by an order dated 10.10.2023 set aside the order passed by the learned Judicial Magistrate, Arakkonam, in Crl.M.P.No.3997 of 2019 and directed the accused to remit 20% of the cheque amount to the credit of C.C.No.162 of 2018. However, the respondents failed to comply with the order passed by this Court and as such the petitioner filed this contempt petition.

4. Though this Court by an order dated 30.07.2025 issued statutory notice to the respondents, the second respondent was evading the service of the notice in the contempt petition. Therefore, this Court by an order dated 10.09.2025 directed the Registry to issue Non Bailable Warrant as against the second respondent herein. Further the Inspector of Police, Arakkonam Town Police Station, Ranipet District, was directed to execute the Non Bailable Warrant and to produce the second respondent before this Court on 24.09.2025.



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WEB COPY 5. Today, the learned counsel appearing for the second respondent mentioned before this Court that the second respondent himself voluntarily appeared before this Court and requested to take up the contempt petition for hearing. He further submitted that now the Hon'ble Supreme Court of India settled the issue of non compliance of the order passed under Section 143-A of the NI Act. According to him, the petitioner ought to have taken steps under Section 461 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (hereinafter referred to as “BNSS”) for recovery of interim compensation.

6. The learned counsel appearing for the petitioner submitted that the petitioner has already been filed petition under Section 461 of BNSS and it is pending. Further the learned trial Judge did not take any steps to pursue the said application.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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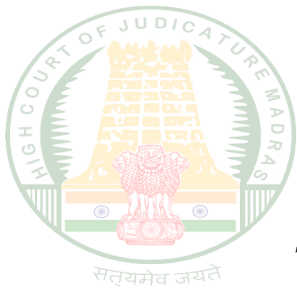
8. The Hon'ble Supreme Court of India in the case of **Rakesh**

Ranjan Shrivastava Vs. State of Jharkhand & anr., reported in (2024) 4

SCC 419, settled the issue of non compliance of the order passed under Section 143-A of the NI Act. It is relevant to extract the relevant portion of the judgment as follows :-

“14. Non-payment of interim compensation by the accused does not take away his right to defend the prosecution. The interim compensation amount can be recovered from him treating it as fine. The interim compensation amount can be recovered by the trial court by issuing a warrant for attachment and sale of the movable property of the accused. There is also a power vested with the court to issue a warrant to the Collector of the District authorising him to realise the interim compensation amount as arrears of land revenue from the movable or immovable property, or both, belonging to the accused.

15. For recovery of the interim compensation, the immovable or movable g property of the accused can be sold by the Collector. Thus, non-payment of interim compensation fixed under Section 143-A has drastic consequences. To recover the same, the accused may be deprived of his immovable and movable property. If acquitted, he may get back the money along with the interest as provided in sub-



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section (4) of Section 143-A from the complainant. But, if his movable or immovable property has been sold for recovery of interim compensation, even if he is acquitted, he will not get back his property.”

9. Further, the NI Act does not prescribe any mode of recovery of the compensation amount from the complainant together with interest as provided under Section 143-A(4) of the NI Act. It provides for refund of interim compensation by the complainant to the accused and as sub Section (5) provides for mode of recovery of the interim compensation, obviously for recovery of interim compensation from the complainant, the mode of recovery will be as provided in Section 461 of BNSS. Therefore, the interim compensation awarded in favour of the petitioner can be recovered from the second respondent treating it as fine. It can be recovered by the attachment and sale of the movable property of the accused. In fact, the petitioner also filed petition under Section 461 of BNSS and it is pending.

10. In view of the above, no contempt is made out as against the respondents. Therefore, the Non Bailable Warrant, which was already issued



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by this Court is hereby recalled. The trial Court viz., the learned Judicial Magistrate, Arakkonam, is directed to pass order on the application filed by the petitioner under Section 461 of BNSS, within a period of four weeks from the date of receipt of a copy of this Order. The trial Court is also directed to complete the trial in C.C.No.162 of 2018, and dispose the same within a period of three months thereafter.

11. Accordingly, the Contempt Petition stands dismissed.

15.09.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
rts

To

1. The Judicial Magistrate,
Arakkonam.

2. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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rts

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