

11.03.2026
Item No.47
Ct. No. 30
nb

CRR 3288 of 2023

Krishnendu Shekhar Mandal
Vs.
The State of West Bengal & Anr.

Mr. Abhinaba Dan,
Ms. Sremoyee Datta
....For the Petitioner
Mr. Amal Krishna Samanta,
Mr. Arun Kumar Das
..... For the State

1. This instant revisional application has been filed against the Order Nos.47 and 48, dated 16.02.2023 and 20.06.2023 passed by the learned Judicial Magistrate, 3rd Court, Contai in CR 375 of 2015 under Section 138 of the Negotiable Instruments Act by directing the petitioner for making payment of 20% of the cheque amount to the opposite party no.2 within 30 days and subsequently, issued Warrant of Arrest on 20.06.2023 against the petitioner since, the petitioner was absent.

2. By the impugned order dated 20.6.2023, the learned Magistrate has issued Warrant of Arrest against all the accused persons.

3. By the impugned order dated 16.02.2023, learned Judicial Magistrate directed as follows:-

“Heard the submission of the learned advocate and perused the instant application and W/O filed by the other side and considering the same, I

am inclined to allow the prayer of the complainant. Thus, the prayer of the complainant vide application u/s. 143A of the N.I. Act dated 13.05.2022 stands allowed and the objection of the other side is hereby overruled.

The accused person namely, Shri Krishnendu Sekhar Mondal is hereby directed for making a payment of 20% of the principle cheque amount to the complainant within 30 days of this order and subsequently, considered the conduct of the petitioner, Warrant of Arrest has been issued against the accused person vide impugned order dated 20.06.2023."

4. Learned counsel for the petitioner submits that the amendment under the Negotiable Instruments Act, 1881, wherein Section 143A has been incorporated, came into effect on 2nd August, 2018. Whereas the proceedings, in this case, was initiated in the year 2015.

5. Learned counsel for the petitioner further relies upon the judgment of the Hon'ble Supreme Court in the case of **G. J. Raja Vs. Tejraj Surana** reported in **(2019) 19 SCC 469** wherein the Hon'ble Court held as follows:-

*"21. In our view, the applicability of **Section 143-A** of the Act must, therefore, **be held to be prospective in nature** and confined to cases where offences were committed after the introduction of Section 143-A, in order to force an accused to pay such interim compensation."*

6. Accordingly, it appears that the impugned order dated 16.02.2023 has been passed without considering the said proposition of law and, as such, the order dated 16.02.2023 being not in accordance with law, is set aside.

7. The impugned order dated 20.06.2023 has been passed considering the conduct of the accused persons, who have not appeared on the date the case was fixed for evidence.

8. As none appeared on behalf of the petitioner, Warrant of Arrest was issued. This Court thus finds no illegality in the impugned order dated 20.06.2023 but, considering that the petitioner is before this Court, the petitioner is directed to surrender before the learned Magistrate within 15 days from the date of this order and the learned Magistrate shall consider the prayer for bail of the petitioner, in accordance with law.

9. With the above observation, this instant revisional application stands **disposed of**.

10. Connected application, if any, stands disposed of.

11. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Shampa Dutt (Paul), J.)