

IN THE COURT OF THE CIVIL JUDGE AND ADDITIONAL J.M.F.C.,
AT TARIKERE

Present : SMT.PAVITHRA.M.D, B.A., LL.B.,
Civil Judge & Addl. JMFC. Tarikere.

C.C.No.369/2018
Dated: 18th October 2019

ORDERS

The complainant has filed this application U/Sec.143(A) of N.I Act to direct the accused to pay interim compensation to the complainant.

2. It is the claim of the complainant that, he filed the present complaint for the offence punishable U/Sec.138 of N.I Act as the cheque issued by the accused person was dishonored. It is further claim of the complainant that, the accused person after his appearance he pleaded not guilty to the accusation made by the complainant and hence, it is necessary to direct the accused to pay interim compensation to the complainant. Hence, this application.

3. The accused person has resisted the application by filing his objection statement wherein he stated that, the complainant has filed this application as per the Negotiable Instruments (Amendment) Act 2018. As per Sec.143(A), there must be an

existence of legally recoverable debt as on the date of filing of the complaint. Further, to ascertain the legally recoverable debt, the conclusion of entire prayer is necessary. Further, the application is premature one and the same has no merits. Accordingly, he prayed to dismiss the application.

4. Heard on application.

5. Perused the case papers. The complainant has filed this complaint U/Sec.200 of Cr.P.C alleging that, the accused person has committed an offence punishable U/Sec.138 of N.I Act. When the case is set-down for defence evidence, the complainant has filed the present application U/Sec.143(A) of N.I Act to direct the accused to pay interim compensation to the complainant. The present complaint is filed on 26.05.2018. Sec.143(A) was inserted by Act 20 of 2018 and the same is came into effect from one 01.09.2018. The law is not the same in respect of criminal cases. Retrospective effect is not allowed in criminal law. Moreover, Article 20 of the Constitution specifically bars it. Hence, the application filed by the complainant is not tenable. Accordingly, I proceed to pass the following:

ORDER

The application filed U/Sec.143(A) of N.I Act
is hereby rejected.

No order as to cost.

Sd/-

(PAVITHRA.M.D)
CIVIL JUDGE AND ADDL
.J.M.F.C., TARIKERE.