

No.F.42(5)-HC/2018/8833  
**HIGH COURT OF TRIPURA**  
**AGARTALA**

**NOTIFICATION**


**Dated, Agartala, the 30<sup>th</sup> May, 2018**

In the light of the observations of the Hon'ble Supreme Court of India in Judgment and order dated 05.10.2017 in Criminal Appeal No.1731 of 2017 [Meters and Instruments Private Limited and Another Vs. Kanchan Mehta], the Hon'ble High Court of Tripura has been pleased to issue the following guidelines for trial of cases under the Negotiable Instruments Act, 1981:

1. For trial of cases under chapter XVII of the Negotiable Instruments Act, 1981 the trial Court shall follow the summary procedure subject to the variations provided under Section 143 of the Act.
2. As soon as a complaint is filed in Court for offence punishable under Section 138 of the Negotiable Instruments Act 1981, the Trial Court shall assess the amount to be paid by the accused to the complainant having regard to the cheque amount and interest / cost etc. and while issuing summons to the accused the trial Court shall indicate such specified amount in the summons asking the accused that if the amount is paid within the date specified by the Court, the accused need not appear in Court unless required and the proceedings may be closed subject to any valid objection of the complainant.
3. For this purpose, the trial Court while receiving a complaint for offence punishable under the Negotiable Instruments Act, shall procure the bank account no. of the complainant and also e-mail ID of the accused, if possible.
4. If, in compliance of the summons, the accused deposits the amount specified by Court in the bank account of the complainant within the specified date and informs the court and the complainant about such compliance, the court after hearing the objection, if any, of the complainant will close the proceedings unless it becomes necessary for the court to proceed with the case.
5. In case, the trial proceeds further the accused's presence can be required unless such presence is otherwise exempted subject to such conditions as may be considered appropriate.
6. In every case the accused must be required to disclose specific defence if he wants to contest the case and the trial Court may ask him specific question at that stage.
7. If the trial proceeds, the trial Court shall make endeavour to explore the possibilities of settlement in every case.
8. While trying cases under the Negotiable Instruments Act, the Trial Court must keep the principle in mind that the guilty must be punished at the earliest as per law and the one who obeys the law need not be held up in proceedings for long and, therefore, trial of such cases shall be on day-to-day basis and endeavour must be made to conclude it within 6 months from the date of filing of the complaint as provided under sub-section (3) of Section 143 of the Negotiable Instruments Act, 1981.
9. The Trial Court shall strictly follow all other observations made by the Hon'ble Supreme Court in the Judgment & order dated 05.10.2017 in the case aforesaid in paragraphs 18 to 20.

This is issued with immediate effect.

By order

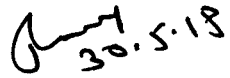
  
(S.G. Chattopadhyay)  
Registrar General.

No.F.42(5)-HC/2018/8834-65

Dated, Agartala, the 30<sup>th</sup> May, 2018.

Copy to:

1. The Secretary General, Supreme Court of India.
2. The Principal Secretary to His Lordship, Hon'ble the Chief Justice, High Court of Tripura, Agartala.
3. The Secretaries to Hon'ble Judges, High Court of Tripura, Agartala.
4. The District & Sessions Judge, South Tripura Judicial District, Belonia / West Tripura Judicial District, Agartala/North Tripura Judicial District, Dharmanagar / Unakoti Judicial District, Kailashahar / Gomati Judicial District, Udaipur.
5. The Registrar (Vigilance), High Court of Tripura, Agartala.
6. The Registrar (Judicial), High Court of Tripura, Agartala.
7. The Judge, Family Court, Agartala, West Tripura Judicial District/ Kailashahar, Unakoti Judicial District/ Udaipur, Gomati Judicial District.
8. The Addl. District & Sessions Judge, West Tripura Judicial District, Sonamura, Khowai /Unakoti Judicial District, Kamalpur.
9. The Registrar (Admn.), High Court of Tripura, Agartala.
10. The Joint Registrar, High Court of Tripura, Agartala.
11. The Chief Judicial Magistrate, West Tripura Judicial District, Agartala/ Gomati Judicial District, Udaipur/ Unakoti Judicial District, Kailashahar/ South Tripura Judicial District, Belonia/ North Tripura Judicial District, Dharmanagar for circulation among all Judicial Officers within their respective District.
12. All Deputy Registrars, High Court of Tripura, Agartala.
13. The System Analyst, High Court of Tripura for uploading the Notification in the official website.
14. File No. 44(11)-HC/2018.

  
30.5.18  
Registrar General.