

IN THE COURT OF SESSIONS JUDGE

**Buxar, Bihar 802101
Distt. - Buxar, BIHAR.**

Criminal Revision No. 105 of 2025
[Arising out of Complaint Case No. 1299(C)2023]

Present: Kajal Jhamb,
Sessions Judge, Buxar.

Perna Pushpa, aged about 31 years, W/o Sanjay Kumar

Village-Chhotka Dhakaich, Police Station- Krishnabraham, District- Buxar

.....The Revisionist

versus

1. State of Bihar

2. Dinesh Kumar Gupta, aged about 44 years, S/o Late Premchand Prasad Gupta,

R/o Village + Post- Rajpur, Police Station- Rajpur, District- Buxar

.....The Opposite Parties

Learned Counsel for Revisionist : Sri Rajiv Kumar Rai, Ld. Adv.

Learned. A.P.P. for the State (O.P. No. 1) : Sri Adity Kumar Verma.

Learned Counsel for the O.P. No.2: Sri Chandra Mohan Choubey, Ld. Adv.

Date of Order: 17th March, 2026

ORDER

The present is judicial verdict on Criminal Revision petition no. 105/2025, filed u/s. 397 of Cr.P.C./ 438 of B.N.S.S. against the impugned order dated-04.05.2025 passed by the Court of Sri Chandan Kumar, Learned Judicial Magistrate First Class, Buxar in Complaint Case No. 1299(C)2023 titled "Dinesh Kumar Gupta Vs. Perna Pushpa". By passing the impugned order, Id. Court below directed the revisionist/accused to pay interim compensation of Rs. 55,000/- (20% of total amount of Rs. 2,75,000/-) to complainant as per provision of Section 143A of N.I. Act. Aggrieved by the order, the Revisionist/accused Perna Pushpa has filed the instant revision petition.

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The brief facts of the case are that a complaint case was filed u/s 138 N.I. Act by Complainant (O.P. No. 2) Dinesh Kumar Gupta against revisionist/petitioner Prerna Pushpa in the Court of learned C.J.M. Buxar alleging therein that the accused Prerna Pushpa (revisionist) borrowed a sum of Rs. 2,75,000/- from him to meet her needs. After receiving the said money in cash, she executed a hand note regarding the same. She also gave a cheque bearing no. 421429, dated 25.10.2023 of State Bank of India to encash it. When he demanded his money back, Perrna Pushap (revisionist) told the complainant (O.P. No.2) to encash the cheque in first week of November, 2023. On 13.11.2023 complainant (O.P. No. 2) deposited the said cheque in S.B.I Chausa but the same got dishonored due to insufficient balance. The complainant (O.P. No. 2) sent a legal notice to accused (revisionist) on 17.11.2023 but of no avail. The complainant (O.P. No. 2) thus filed the complaint case u/s 138 of the N.I. Act in the Court of learned C.J.M, Buxar.

The learned C.J.M, Buxar finding a prima-facie case u/s 138 of N.I. Act made out summoned the revisionist/accused. The case was made over to the court of learned J.M.F.C. Court No. 04, Buxar for trial and disposal. On 20.02.2025 the learned Court explained the accusation to the accused for offence u/s 138 N.I. Act. On 22.03.2025 the complainant/O.P. No 2 filed a petition praying for a direction to the accused/revisionist to pay 20% of cheque amount to complainant. The rejoinder to the same was filed on behalf of revisionist/accused on 16.05.2025. After hearing both the parties, the learned Court allowed the petition of complainant/O.P. No. 2 and directed the revisionist/accused to pay interim compensation of Rs. 55,000/- (20% of total amount of Rs. 2,75,000/-) to complainant as per provision of Section 143A of N.I. Act. Against that order, the Revisionist/accused has filed the present revision petition.

The contention of the Revisionist is that the order passed by the Id. court below is neither in accordance with law nor in accordance with the facts of the case. The complainant and husband of petitioner were friends and the allegation of complainant is false and baseless. The petition dated 22.03.2025 filed by complainant/O.P. No. 2 is not maintainable as there is no provision under N.I. Act which provides for the payment of money before the decision of the case. The petitioner has clearly mentioned in her rejoinder dated 16.05.2025 that her husband and complainant were friends and business partner and they used to exchange money between them. The revisionist has taken the said money for the business purpose and her husband has paid the said amount through Phonepe (mobile no. 9122224492) and cash to the complainant/O.P. No.2. The petitioner has filed the details of money given to complainant as list of documents along with the rejoinder. Under 138 of N.I. Act, it is essential to prove that the complainant gave loan for which the alleged cheque was given to him but the complainant has not been able to prove the same. The learned Court has neither perused documents nor perused the rejoinder filed by the petitioner. As such, the order passed is not in accordance with the provision of law.

Ld. P.P. for the state opposed this criminal revision stating that there is no illegality in the impugned order passed by the Ld. Court below.

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Learned Counsel for the O.P. No. 2 filed rejoinder dated 16.12.2025 stating therein that the present criminal revision application is not maintainable under law. There is no reason for filing the present criminal revision and the same has been filed only to linger the case. The petitioner wants to embezzle the money. There is no illegality in the impugned order. The impugned order has been passed in accordance with Section 143(A) of N.I. Act. The revisionist borrowed Rs. 2,75,000/- from O.P. No. 2 to meet her needs and as proof she executed a hand note in presence of a witness and gave a cheque bearing no. 421429, dated 15.10.2023. The said cheque was deposited in bank which got dishonored due to insufficient balance in revisionist account. The accused/revisionist was orally informed about the same but she did not give any satisfactory answer. Thereafter, legal notice was sent to her and after following all the provisions of law, the present complaint case was filed. After accusation was explained to the accused/revisionist, the O.P. No 2 (Complainant) filed a petition dated 22.03.2025 for directing the petitioner to pay 20% of total amount for which the cheque was issued. The learned Court allowed the petition by passing the impugned order. As there is no illegality in the impugned order, the present criminal revision is liable to be dismissed.

Heard counsels of both parties and perused the record. Perusal of the record shows that the impugned order is an order directing the revisionist/accused to pay interim compensation of Rs. 55,000/- (20% of the amount for which the cheque was issued) to the complainant.

In this regard, it is appropriate to quote Section 143A fo the N.I. Act which provides:

143-A. Power to direct interim compensation.—

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Court trying an offence under Section 138 may order the drawer of the cheque to pay interim compensation to the complainant—

(a) in a summary trial or a summons case, where he pleads not guilty to the accusation made in the complaint; and

(b) in any other case, upon framing of charge.

(2) The interim compensation under sub-section

(1) shall not exceed twenty per cent of the amount of the cheque.

(3) The interim compensation shall be paid within sixty days from the date of the order under sub-section

(1), or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the drawer of the cheque.

(4)

(5)

(6)

In the context of the matter, I find it appropriate to quote Section 139 of N.I. Act which provides that:-

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Section 139 of N.I. Act Presumption in favour of holder:- It shall be presumed, unless the contrary is proved, that the holder of a cheque received the cheque of the nature referred to in section 138 for the discharge, in whole or in part, of any debt or other liability.

Perusal of the impugned order shows that the Id. court below discussed the material brought on record by the Revisionist/accused. As such, mere bald assertion by the Revisionist that the material on record was not considered by the court, is not sustainable.

The perusal of the impugned order passed by the Id. Court below shows that the court acted within its jurisdiction. It further shows that the court passed the order after having considered the relevant material. Also there is no material on record to refute the presumption u/s 139 of N.I. Act. The order is a reasoned order. As such, this court does not find it proper to intervene in a reasoned order passed by a jurisdictional court. As there is no illegality/irregularity in the impugned order, the present Revision Petition is, therefore, hereby **dismissed**.

The office is directed to send a copy of this order along with LCR to the Ld. Court below and consign the record of the case to the record room.

Dictated and corrected by me

Sd/-

(Kajal Jhamb)
Sessions Judge, Buxar
Dated 17.03.2026

Sd/-

(Kajal Jhamb)
Sessions Judge, Buxar
Dated 17.03.2026

Date of reserving order	07.03.2026
Date of Order	17.03.2026
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