

In the Court of Sessions Judge, East Champaran at Motihari.

Criminal Revision No.305 of 2025

[Against the impugned order dated 28-08-2025 passed by the learned Court of Sri Shivam Singh, J.M. 1st Class, Raxaul at Motihari in Complaint Case No.415 of 2024.]

1. Umashankar Kumar, S/o- Mishrilal Pd. Yadav, aged about 36 years
Resident of village- Bhaluawaha, P.S.- Haraiya, District- East
Champaran. -----Petitioner

Versus

1. The State of Bihar
2. Irshad Alam, S/o- Samat Mian,
Resident of village- Haraiya, P.S.-Haraiya, District- East Champaran
-----Opposite Parties

Counsel for the Revisionist :- Sri Chandeshwar Singh, Advocate.

Motihari, dated 6th June, 2026

Present

Abhishek K. Das,
Sessions Judge,
East Champaran at Motihari.

ORDER

06-06-2026

1. This Criminal Revision has been preferred by the petitioner/ revisionist Umashankar Kumar against the impugned order dated 28-08-2025 passed by the learned Court of Sri Shivam Singh, J.M. 1st Class, Raxaul at Motihari in Complaint Case No.415 of 2024, whereby and whereunder the learned Court below has allowed the petition dated 10-06-2025 u/s 143-A of the Negotiable Instrument Act (hereinafter 'N.I. Act') filed on behalf of complainant/ O.P. No.2 and directed the petitioner/ revisionist to pay 20% of cheque amount i.e. Rs.1,11,774/- (One Lakh Eleven Thousand Seven Hundred and Seventy-Four only) as interim compensation to the complainant/ O.P. No.2.

2. Before the Learned Trial Court, the petitioner is accused against whom, the O.P. No.2 Irshad Alam has filed a complaint case u/ss

318(4) and 316(2) of the Indian Penal Code (hereinafter 'I.P.C.') and 138 of the Negotiable Instrument Act.

3. Heard the learned counsel for the petitioner and perused the certified copy of complaint petition, solemn affirmation of complainant, impugned order and other documents available on record.

4. The learned counsel for the petitioner/revisionist has submitted that the impugned order dated 28-08-2025 is not proper. The learned Court below ought to have considered that prior to the present case, the petitioner has filed a complaint petition against the O.P. No.2. The learned Court below ought to have believed the content of complaint petition filed by the petitioner and cognizance has already been taken against the O.P. No.2.

5. The case of the complainant/ O.P. No.2, in brief, is that both the parties were acquainted with each other and petitioner used to come to the shop of complainant/O.P. No.2 to purchase potato. On 20-01-2024, the petitioner went to the house of complainant/O.P. No.2 and expressed his need of money to expand the business and thereafter, petitioner borrowed Rs.5,58,871/- from the complainant on assurance to return the same in April, 2024. On 05-04-2024, when the complainant demanded his money, the petitioner started evading the same. Lastly on 16-08-2024 a panchyati was conducted, in which the petitioner issued a cheque bearing No. 000008 of Rs.5,58,871/- in favour of complainant and when the complainant presented the said cheque before the bank, the same got dishonoured. Thereafter, the complainant sent legal notice to the petitioner, which remain un-replied.

6. As per criminal revision petition itself, cognizance u/s 138 N.I. Act has been taken against the petitioner and then, the petitioner appeared before the Learned Trial Court and has been granted bail. The acquisition was explained to the petitioner on 07-05-2025 in which, he pleaded not guilty. Then on 10-06-2025, the complainant/ O.P. No.2 filed a petition u/s 143-A N.I. Act, which was allowed on 28-08-2025 and

petitioner/revisionist was directed to pay 20% of cheque amount of cheque amount i.e. Rs.1,11,774/- to the complainant/O.P. No.2 as interim compensation within 60 days from the date of order.

7. For ready reckoning, Section 143-A of N.I. Act is being given hereunder:

“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 percent 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) If the drawer of the cheque is acquitted, the Court shall direct the complainant to repay to the drawer the amount of interim compensation, with interest at

the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.

(5) The interim compensation payable under this section may be recovered as if it were a fine under section 421 of the Code of Criminal Procedure, 1973 (2 of 1974).

(6) The amount of fine imposed under section 138 or the amount of compensation awarded under section 357 of the Code of Criminal Procedure, 1973 (2 of 1974), shall be reduced by the amount paid or recovered as interim compensation under this section.”

8. Admittedly, after concluding inquiry, the learned Trial Court found a prima facie case u/s 138 of Negotiable Instrument Act against the petitioner/revisionist passed summoning order and then after petitioner appeared before the learned Trial Court and he was granted bail and on 07-05-2025, substance of accusation was explained to the petitioner/revisionist. On 10-06-2025 the complainant/ O.P. No.2 filed a petition u/s 143-A of the N.I. Act and after hearing both sides, vide order dated 28-08-2025 the learned Court below allowed the petition dated 10-06-2025 and directed the petitioner/revisionist to pay 20% of cheque amount i.e. Rs.1,11,774/- (One Lakh Eleven Thousand Seven Hundred and Seventy-Four only) as interim compensation to the complainant. The court is empowered to grant interim compensation upto 20 percent, at the stage mentioned in Section 143-A (2) of the N.I. Act. Moreover, this

amount is recoverable in case of acquittal of the accused as provided in Section 143-A N.I. Act itself.

9. Considering all these facts, as discussed above, I am of the considered opinion that the impugned order dated 28-08-2025 passed by the learned Court of Sri Shivam Singh, J.M. 1st Class, Raxaul at Motihari in Complaint Case No.415 of 2024 is in accordance with law and it does not suffer from any illegality, impropriety or incorrectness. The impugned order does not warrant any interference and this case does not merit exercise of revisional power.

10. Accordingly, this criminal revision stands **dismissed** without admission.

11. Let a copy of this order be communicated to the learned Court concerned.

(Dictated and corrected by me)

Sd/-
Sessions Judge
East Champaran at Motihari
06-06-2026

Date of order	06-06-2026
Date of reserving order	--
Uploaded Date	11-06-2026
Uploaded by	A.K. Heera, Steno