

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

Criminal Revision No.341 of 2025

[Against the impugned order dated 16-10-2026 passed by the learned Court of Ms. Neha Nayyar, J.M. 1st Class, Raxaul at Motihari in Complaint Case No.373 of 2023.]

1. Devendra Mishra, S/o- Naunath Mishra
Resident of village- Gonaha, P.S.- Raxaul, District- East Champaran.
-----Petitioner

Versus

1. The State of Bihar
2. Siyavar Pandit, S/o- Late Heera Pandit
Resident of village- Harnahi, P.S.- Raxaul, District- East Champaran.
-----Opposite Parties

Motihari, dated 23rd July, 2026

Present

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

O R D E R

23-07-2026

1. This Criminal Revision has been preferred by the petitioner/ revisionist Devendra Mishra against the impugned order dated 16-10-2025 passed by the learned Court of Ms. Neha Nayyar, J.M. 1st Class, Raxaul at Motihari in Complaint Case No.373 of 2023, whereby and whereunder the learned Court below has ordered the petitioner to pay 20% of the cheque amount i.e. Rs.60,000/- to the complainant/ O.P. No.2 as an interim compensation u/s 143-A of the Negotiable Instrument Act (hereinafter 'N.I. Act').

2. Before the Learned Trial Court, the petitioner is accused against whom, the O.P. No.2 Siyavar Pandit has filed a complaint case u/ss 357, 142, 406 and 420 of the Indian Penal Code (hereinafter 'I.P.C.') and 138 of the Negotiable Instrument Act (hereinafter 'N.I. Act').

3. None appeared on behalf of the petitioner to press this criminal revision petition. This criminal revision is being disposed of on merit, without hearing the learned counsel for the petitioner.

4. Perused the criminal revision petition, certified copy of complaint petition, impugned order and other documents available on record.

5. The impugned order has been assailed by the petitioner on the ground that the impugned order dated 16-10-2025 is not sustainable in the eye of law and fit to be set-aside. The learned Trial Court ought to have considered that the proceeding of 143-A N.I. Act is discretionary not mandatory. The complainant ought to have produced witnesses rather to file petition u/s 143-A N.I. Act.

6. The case of the complainant/ O.P. No.2, in brief, is that in the month of August, 2022, the petitioner borrowed Rs.4,60,000/- from the complainant/ O.P. No.2 on assurance to return the same within six months. After lapse of ten months, when the complainant/ O.P. No.2 demanded his money, on 10-06-2023 the petitioner issued a cheque bearing No.438025 of Rs.3,00,000/- in favour of complainant and promised to return the rest amount Rs.1,60,000/- within next six months. Thereafter, when the complainant/ O.P. No.2 presented the said cheque before the Bank, the same became dishonoured due to mismatch of signature. Then, the complainant sent legal notice to the petitioner, which remained un-replied.

7. Consequent upon the complaint petition of the complainant, Complaint Case No.373 of 2023 was registered. After inquiry, the learned Trial Court vide order dated 05-03-2024 has taken cognizance u/s 138 N.I. Act against the petitioner and then, on 04-01-2025 the petitioner surrendered before the Learned Trial Court and has been granted bail. The acquisition was explained to the petitioner on 07-04-2025 in which, he pleaded not guilty. Then on 23-05-2025, the complainant/ O.P. No.2 filed a petition u/s 143-A N.I. Act, which was allowed on 16-10-2025 and petitioner/revisionist was directed to pay 20% of cheque amount i.e.

Rs.60,000/- to the complainant/O.P. No.2 as interim compensation within 60 days from the date of order.

8. 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.”

9. From perusal of record, it transpires that after conducting inquiry, the learned Trial Court found a prima facie case u/s 138 of Negotiable Instrument Act against the petitioner/revisionist and passed summoning order and thereafter, on 04-01-2025 petitioner surrendered before the learned Trial Court and he was granted bail and on 07-04-2025, substance of accusation was explained to the petitioner/revisionist. On 23-05-2025 the complainant/ O.P. No.2 filed a petition u/s 143-A of the N.I. Act and consequently, vide order dated 16-10-2025 the learned Trial Court directed the petitioner/revisionist to pay 20% of cheque amount i.e. Rs.60,000/- as interim compensation to the complainant/ O.P. No.2. 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.

10. Considering all these facts, as discussed above, I am of the considered opinion that the impugned order dated 16-10-2025 passed by the learned Court of Ms. Neha Nayyar, J.M. 1st Class, Raxaul at Motihari in Complaint Case No.373 of 2023 is in accordance with law and it does not suffer from any illegality, irregularity or incorrectness. The impugned order does not warrant any interference and this case does not merit exercise of revisional power.

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

12. 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
23-07-2026

Date of order	23-07-2026
Date of reserving order	--
Uploaded Date	27-07-2026
Uploaded by	A.K. Heera, Steno