



IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
MUZAFFARPUR
Civil Court, Muzaffarpur. Bihar.

Criminal Revision No.68 of 2026
(BRMZ010026942026)

1. Sushil Kumar, son of late Ram Kishore Singh @ Ram Krishna Singh
(Resident of Mohalla-Shrinagar Colony, Gobarsahi,
P.S.-Sadar, district- Muzaffarpur).

Petitioner/Revisionist

Vs

1. The State of Bihar
2. Krishnandan Jha

Opposite parties

For the Petitioners/Revisionists : Sri Sanjiv Kumar, Advocate.
For the O.P. : Sri Ajay Kumar, P.P.

ORDER
17.06.2026

Date of order of proceeding	Order with the signature of the Court	Office action taken with date
<u>17.06.2026</u>	1. The record is placed for order. The revisionist has preferred this revision being aggrieved and dissatisfied with the order dated 10.09.2025, passed by learned Judicial Magistrate 1 st Class, Muzaffarpur (East), in connection with Complaint Case No.1921/2018, whereby and where under, petitioner was directed to pay 12% of total dishonored amount to complainant as an interim relief u/s 143(A) of N.I. Act. The revisionist has sought to invoke section 438 and 440 of the BNSS, thus, seeking to	

<u>Contd.</u> <u>17.06.2026</u>	set aside the impugned order dated 10.09.2025 passed by learned Judicial Magistrate, Ist. Class, Muzaffarpur (East). 2. The factual matrix leading to the filing of present revision petition is that the complainant and opposite party no.2 were dealing in a land and were investing accordingly and had agreed to specific share in the same. An agreement was also entered into between the two, wherein it was agreed that the revisionist would look for buyers and for the amount which remained in their account, the revisionist took a cheque from the complainant, in the suspicion that later he may not be paid. Ever since the cheque was issued, the opposite party no. 2 has been coercing him to pay the amount and even filed a case under N.I.Act, for dishonoring. The Id. Trial court after concluding inquiry, found prima facie material against the petitioner u/s 138 of N.I. Act to proceed further. During course of trial, a petition u/s 143(A) of N.I. Act was filed by the complainant for interim compensation of Rs.78,000/-, 20% of dishonored amount of Rs.39,00,000/- to be paid by the accused. The Id. Trial court after hearing the parties, passed the impugned order dated 10.09.2025, directing the accused to pay 12% of total dishonored amount to the complainant, as an interim relief. 3. Learned Counsel for the revisionist has assailed the impugned order on the ground that the impugned order has been passed mechanically without applying judicial mind. This is not the mandate as enshrined under Section 143(A) of the NI Act. While passing the impugned order, Id. Trial court has not considered the direction given by the Hon'ble Supreme Court in the case of Rakesh Ranjan Srivastava Vs. State of Jharkhand, 2024	
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<u>Contd.</u> <u>17.06.2026</u>	SCC, online SC 309 and overlooked the provision of Section 143(A) of the N.I. Act. Id. Counsel for the revisionist has submitted that Id. Trial court has committed grave error of law and fact in passing the impugned order and prayed to set aside the same. 4. Learned P.P appearing on behalf of the State has submitted that the Id. Trial court's order does not suffer from any illegality and as such needs no interference by this Court. 5. I have heard the submissions made and carefully perused the Trial Court record as well as the impugned order, including the citations relied upon by the parties. 6. Before proceeding further, a look at the relevant provision becomes imperative. <i>Section 143(A) of the Negotiable Instrument Act reads:- Power to direct interim compensation.—</i> “Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying an offence under section 138 may order the drawer of the cheque to pay interim compensation to the complainant”. 7. The Hon'ble Apex Court in Rakesh Ranjan Srivastava Vs. State of Jharkhand [(2024) SCC online SC 309], has categorically held that the power under Section 143-A (1) is discretionary and not mandatory. The Court while dealing with an application under Section 143-A of N.I. Act, has to prima facie evaluate the merits of the case and the presumption under Section 139 of N.I.Act by itself is no ground to direct payment of interim compensation, reason being the presumption is rebuttable. Financial distress of the complainant is also to be looked into, while considering the application for grant of interim compensation.	
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<u>Contd.</u> <u>17.06.2026</u>	8. Thus, it is settled law that Ld. Trial Court must pass reasoned order for granting interim compensation under Section 143-A of NI Act, pending trial of the case. The power of Ld. Magistrate in this regard is discretionary and has to be supported by giving sufficient reasons for granting interim compensation. The Hon'ble Apex Court has laid down that even if the Court concludes that a case is made out for grant of interim compensation, the Court will have to apply its mind to the quantum of interim compensation to be granted. Even at this stage, the Court will have to consider various factors such as the nature of the transaction, the relationship, if any, between the accused and the complainant and the paying capacity of the accused. If the defence of the accused is found to be prima facie a plausible defence, the Court may exercise discretion in refusing to grant interim compensation. It is also clarified that the factors required to be considered are not exhaustive. There could be several other factors in the facts of a given case, such as, the pendency of a civil suit, etc. While deciding the prayer made under Section 143A, the Court must record brief reasons indicating consideration of all the relevant factors. 9. Considering the above discussion and the law with respect to grant of interim compensation under Section 143-A of N.I.Act, this court is of the considered opinion that the impugned order dated 10.09.2025, of the learned Court suffers from patent illegality, as no reason is assigned for passing the alleged order. Accordingly, the learned Court cannot be said to have exercised its discretion judiciously. 10. Accordingly, the present revision petition	
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<u>Contd.</u> <u>17.06.2026</u>	is allowed and the impugned order dated 10.09.2025, passed by the learned court of J.M. 1st Class, Muzaffarpur (East), is hereby set aside. Copy of the present order be sent to Ld. Trial Court for information and compliance. TCR be also sent back forthwith. File be consigned to Record Room after due compliance, if any. sd/- (Shweta Kumari Singh) Principal District and Sessions Judge, Muzaffarpur. 17.06.2026	
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