In The Court of Sessions Judge,Vaishali at Hajipur.
Distt. - Vaishali, BIHAR.
Criminal Revision No. 231 of 2025

Arising out of Complaint Case C1 No. 2583 of 2021.

Rakesh Ranjan Kumar, aged about 45 years, son of Dinesh Pd. Singh, resident of village - Dayalpur, P.S - Rajapakar, District – Vaishali,

.....The Revisionist

vs

1. The State of Bihar
2. Rajesh Kumar, aged about 49 years S/o Late Kapildeo Singh, Resident of village – Shibganj, P.S – Rajapakar, District- Vaishali.

.....The Opposite Parties

The criminal revision has been preferred by the revisionist against the order dated 06.10.2025 passed by Learned Addl. Chief Judicial Magistrate – XIII, Vaishali, Hajipur, in Complaint Case i.e. C1 No. 2583 of 2021, Tr. No. 732/2024 (Rajesh Kumar Vs. Rakesh Ranjan Kumar), whereby and whereunder the learned Court has directed the revisionist/accused to pay interim compensation amounting to 20% of the dishonoured cheque amount i.e. Rs.4,79,880/- to the complainant within sixty days from the date of the order.

Counsel for the Revisionists: Learned Advocate: Sri Balmiki Chaurasiya.
Counsel for the Opposite Party No.1: Learned P.P. Sri Shyam Babu Rai
Counsel for the Opposite Party No.2 : Learned Advocate Sri Neeraj Kumar Singh

Dated- 14th of July 2026
Present- Harshit Singh.

ORDER

1. The criminal revision has been preferred by the revisionist against the order dated 06.10.2025 passed by Learned Addl. Chief Judicial Magistrate – XIII, Vaishali, Hajipur, in Complaint Case i.e. C1 No. 2583 of 2021, Tr. No. 732/2024 (Rajesh Kumar Vs. Rakesh Ranjan Kumar), whereby and whereunder the learned Court has directed the revisionist/accused to pay interim compensation amounting to 20% of the dishonoured cheque amount i.e. Rs.4,79,880/- to the complainant within sixty days from the date of the order.

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2. The relevant facts for consideration of the revision petition are, in brief, as follows: -

a. The prosecution case, in brief, is that the complainant/O.P. no.2 and the accused/revisionist were doing work in the Govt. Nal-Jal scheme in partnership. After the completion of the work on 04.03.2021 both the partners calculated and during calculation the complainant's money was found to be **Rs.23,99,400/-** with the accused. On the same day, the accused/revisionist gave two cheques, one of Rs.14,15,000/- and another cheque of Rs.9,84,400/- entering the date 28.10.2021. When the complainant deposited the said cheques on 17.11.2021 in the bank, both the cheques got dishonoured due to "insufficient fund". Thereafter the complainant gave legal notice to the accused/revisionist but no reply was given by him.

b. On basis of complaint petition, Complaint Case C1 No. 2583 of 2021, dated 20.12.2021 was registered, u/s 138 of N.I. Act in the Court of Chief Judicial Magistrate, Vaishali at Hajipur, who transferred the case record u/s 192(1) Cr.P.C. to the Court of the Court of Smt. Apoorva Nayak, learned Judicial Magistrate 1st. Class, Vaishali at Hajipur for trial and disposal. Thereafter the case record was transferred to the court of Miss. Vandana, Judicial Magistrate 1st. Class, Hajipur, where the learned court has found prima-facie case for committing offence u/s 138 N.I. Act and initiated criminal proceeding by issuance of process u/s 204 Cr. P.C. against the accused Rakesh Ranjan Kumar (revisionist) vide order dated 10.03.2022. After that the case record was transferred to the court of Miss. Uzma Quamar, Ld Judicial Magistrate, 1st. Class, Ld A.C.J.M. - II and lastly to Ld A.C.J.M. - XIII, Vaishali, Hajipur.

c. The complainant/O.P.no.2 filed a petition u/s 143 A (1) of the N.I. Act on 03.07.2024 with a prayer to direct the accused to give Rs.20% of the cheque amount Rs.23,99,400/- as interim compensation.
"In this case, the following application is filed on behalf of the applicant under Section 143A of the N.I. Act: - That the complainant has filed a cheque dishonour case against the accused for an amount of Rupees 23 Lakhs Ninety-Nine Thousand Four Hundred. That in the interest of justice, an order be passed directing the accused to pay twenty percent of the said amount to the complainant as interim relief, so that justice is served to the applicant."

d. In response, the accused/revisionist filed a rejoinder/objection dated 08.01.2025, opposing the grant of interim compensation on the following specific grounds:
"(1) That the complainant has filed a false case based on incorrect facts, with which the accused has no concern.
(2) That the truth is the complainant used to work as a Munshi (clerk) at the accused's place and used to visit the accused's house. The accused had kept a signed cheque without filling any amount for the purpose of going to the bank, which the complainant stole, filled in the amount himself, and deposited it into the account for payment, which got dishonoured.
(3) Whereas, when the accused never took any money from the complainant, then how can the accused owe any money to the complainant."

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e. After hearing both sides, the learned A.C.J.M. - XIII, Vaishali at Hajipur by the impugned order dated 06.10.2025 directed the accused/revisionist to pay interim compensation amounting to 20% of the dishonoured cheque amount i.e. Rs.4,79,880/- to the complainant within sixty days from the date of the order.

3. In this revision petition, the revisionist has taken following grounds for impugning the order dated 06.10.2025: -

a. That the order of learned trial court is not legally maintainable either on the point of law as well as on facts.

b. That the impugned order passed by learned trial court is based on surmises and conjectures.

c. That the learned court has not appreciated the fact that the complainant is working as Munshi (clerk) for the accused, even then passed the impugned order.

d. That the 20% amount u/s 143(A) N.I.Act is not mandatory even then passed the impugned order.

e. That the revisionist has not issued the cheque in favour of complainant (O.P. no.2) but the complainant dishonestly took the signed cheque of the revisionist and filled-up the amount and date and presented before the Bank.

f. That the impugned order is not proper according to provision u/s 143-A of N.I. Act.

The impugned order is bad in law and liable to be set aside.

4. Perused the record and the trial court record. After perusal of the record, it appears that the learned trial court has taken cognizance against the accused/revisionist u/s 138 of N.I. Act vide order dated 10.03.2022. The complainant/O.P.no.2 filed a petition u/s 143-A (1) of the N.I. Act on 03.07.2024 with a prayer to direct the accused to give Rs.20% of the cheque amount Rs.23,99,400/- as interim compensation. The substance of accusation was explained to accused/revisionist on 11.09.2024. Thereafter, several dates were given to the accused/revisionist to file rejoinder on the petition filed u/s 143-A of N.I.Act by the complainant but no rejoinder was filed on his behalf and lastly, he was debarred from filing the rejoinder vide order dated 12.09.2025. However, from perusal of the record, it transpires that rejoinder was filed on 08.01.2025. Thereafter, the petition filed u/s 143-A of N.I.Act. on behalf of the complainant/O.P. no.2 has been allowed by the learned A.C.J.M. - XIII, Vaishali, Hajipur through the impugned order dated 06.10.2025 directing to the accused/revisionist to pay interim compensation amounting to 20% of the dishonoured cheque amount i.e. Rs.4,79,880/- to the complainant within sixty days from the date of the order.

5. **<u>143-A. Power to direct interim compensation</u>**.— (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 —

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(*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) 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.]

6. **Arguments Advanced by the Learned Counsels** During the hearing of this revision petition, both counsels advanced distinct arguments regarding the nature of the relationship between the parties and the circumstances surrounding the cheque:

Submissions on behalf of the Revisionist (Accused): The learned counsel for the revisionist submitted that the complainant had admitted to working as a *Munshi* (clerk/accountant) for the scheme, handling its accounts and finances. It was argued that the complainant's role involved managing capital, transporting cash to and from the site, and routinely visiting the bank to withdraw funds using cheques issued by the accused. The defence contends that the complainant misused this professional access to steal the signed cheque and fraudulently fill the amount.

Submissions on behalf of Opposite Party No. 2 (Complainant): Per contra, the learned counsel for the complainant vehemently opposed this narrative by highlighting a fundamental contradiction in the accused's defence. Ld. Public Prosecutor also opposed the fact of stolen cheque by the complainant.

7. This extract is taken from *Rakesh Ranjan Shrivastava v. State of Jharkhand*, (2024) 4 SCC 419 : (2024) 2 SCC (Civ) 691 : (2024) 2 SCC (Cri) 442 : 2024 SCC OnLine SC 309 at page 430

27. Subject to what is held earlier, the main conclusions can be summarised as follows:

27.1. The exercise of power under sub-section (1) of Section 143-A is discretionary. The provision is directory and not mandatory. The word "may" used in the provision cannot be construed as "shall".
27.2. While deciding the prayer made under Section 143-A, the court must record brief reasons indicating consideration of all relevant factors.
27.3. The broad parameters for exercising the discretion under Section 143-A are as follows:
27.3.1. The court will have to prima facie evaluate the merits of the case made out by the complainant and the merits of the defence pleaded by the accused in the reply to the application. The financial distress of the accused can also be a consideration.
27.3.2. A direction to pay interim compensation can be issued, only if the complainant makes out a prima facie case.
27.3.3. If the defence of the accused is found to be prima facie plausible, the court may exercise discretion in refusing to grant interim compensation.
27.3.4. If the court concludes that a case is made out to grant interim compensation, it will also have to apply its mind to the quantum of interim compensation to be granted. While doing so, the court will have to consider several factors such as the nature of the transaction, the

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relationship, if any, between the accused and the complainant, etc.

27.3.5. There could be several other relevant factors in the peculiar facts of a given case, which cannot be exhaustively stated. The parameters stated above are not exhaustive.

ANALYSIS AND FINDINGS

8. The core issue to be determined is whether the learned trial court erred in exercising its discretion to award interim compensation under Section 143-A of the N.I. Act. The revisionist's primary defence is that the complainant, who was allegedly working as his Munshi (clerk), stole a signed blank cheque, filled in an arbitrary amount, and presented it.

9. As per the explicit guidelines laid down by the Hon'ble Apex Court in ***Rakesh Ranjan Shrivastava (Supra)***, specifically under **Para 27.3.1** and **27.3.3**, the court is required to evaluate the merits of the defence and ascertain whether it is *prima facie* plausible. If plausible, the court may exercise its discretion to refuse interim compensation. Therefore, the plausibility of the revisionist's defence of theft must be scrutinized.

10. It is an admitted position that the signature on the cheque belongs to the revisionist. When a signed cheque is purportedly stolen and misused, the natural, ordinary, and prudent conduct of any account holder would be to immediately inform their bank, instruct them to stop payment, or close the account to prevent fraudulent withdrawal. Furthermore, lodging a First Information Report (F.I.R.) or a police complaint regarding the theft of a signed cheque is standard and expected protocol.

11. In the present case, despite the detailed narrative presented in the rejoinder dated 08.01.2025, the revisionist completely failed to take any such contemporaneous action. There is absolutely no material on record to suggest that the revisionist informed his bank about the alleged theft, requested the bank to close the account, or lodged a police complaint against the complainant for stealing the cheque prior to its presentation.

12. If his cheque had been stolen and cheques had been misused by the complainant, revisionist would have, surely and certainly, made some complaint to the police. He would have also immediately issued requisite instructions to his banker not to entertain any such cheque. For the reasons best known to him, he did not send any communication either to the bank or to the police. Furthermore, when a signed cheque is allegedly stolen, the customary and prudent response of any account holder is to immediately notify the bank to stop payment or close the account to prevent unauthorized withdrawals, followed by a formal police complaint (F.I.R.). The record reveals a complete absence of any such preventive or legal action by the revisionist prior to the cheque's presentation.

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13. The revisionist failed to initiate the foundational legal actions expected in a genuine case of theft, his defence fails the plausibility test mandated by the Hon'ble Apex Court. Consequently, the learned trial court correctly evaluated the circumstances, recognized the lack of concrete material supporting the defence of theft, and properly exercised its discretion to grant 20% interim compensation. I find no material irregularity, illegality, or jurisdictional error in the impugned order dated 06.10.2025.

ORDER

14.

a. The Criminal Revision Petition lacks merit and is accordingly **DISMISSED**.

b. The order passed by the Learned Additional Chief Judicial Magistrate – XIII, Vaishali at Hajipur on October 6, 2025, directing the payment of ₹4,79,880/- as interim compensation, is **AFFIRMED**.

c. The Lower Court Records (LCR), alongside a copy of this order, shall be remitted to the trial court immediately for necessary compliance and continuation of the trial.

The Judgment is typed and corrected by:

Harshit Singh
Sessions Judge
Vaishali
Dated: 14.07.2026

Harshit Singh
Sessions Judge
Vaishali
Dated: 14.07.2026