

Date: 04.11.2025

**ORDER ON APPLICATION FILED UNDER SEC.143-A OF NI
ACT**

The complainant has filed application U/Sec.143-A of NI Act to direct the accused for payment of interim compensation of 20% of cheque amount to the complainant.

2. The complainant has filed application by seeking direction of this court in respect of payment of interim compensation to the tune of 20% of the cheque amount.

3. The counsel for the accused filed objections to the said application. He has submitted that, the accused has not having any legal liability or any legal debts and further the complainant not made any prima facie case under this application. Further it is contended that, the amendment of NI Act is made for speedy disposal of the cases relating to the offences of dishonour of cheques. But in the present case the complainant continuously absent before the court. The delay is caused by the complainant side not by the accused side. Therefore prayed to dismiss the application.

4. Heard on both side.

5. The above case is filed against the accused for the offence punishable U/Sec.138 of NI Act. The complainant filed his complaint before the court on 10.11.2023. After issuance of summons the accused appeared before the court and enlarged on bail on 23.02.2024.

6. Before considering objections raised by the accused, it is essential to discuss about provision U/Sec.143-A of NI Act. **The negotiable instrument Act amended in the year 2018 (Amendment Act 20 of 2018) with effect from 1-9-2018.** The said section reads as under;

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.

(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.

7. The above said provision is not mandatory and the Magistrate can exercise his discretionary power. In this case, the complainant contended that he is the agriculturist and business. The counsel for accused argued that, the accused

has valid defence and he is ready to proceed with case.

8. I have perused the transaction between accused and the complainant held on 02.09.2023 and cheque dated 02.09.2023 issued by the accused as per complainant. Moreover, the matter has been posted for 313 statement on 31.08.2024 . Thereafter the counsel for accused filed an application U/sec. 145(2) of NI Act, meanwhile the complainant has come with the present application. Therefore, in this case, instead of granting interim compensation, it is a fit case to proceed with trial by considering facts and circumstances, the application filed by the complainant is liable to be rejected, subject to condition as the complainant and accused shall cooperate for speedy disposal of the case and as such I proceed to pass the following;

ORDER

The application filed by the complainant U/Sec.143 (A) of N.I. Act is rejected, subject to condition as the complainant and accused shall cooperate for speedy disposal of the case.

For objection call on 22.11.2025

Sd/-

C.J. & JMFC.,Sedam