

Order below 13 in SCC No. 435/2021

(CNR NO. MHAK070008802021)

This is an application under the provisions of S. 143A of the Negotiable Instruments Act, 1881 seeking direction to accused to deposit a sum of 20% of the cheque amount. The accused has resisted the application *vide* her say on the ground that this case is false, she is poor and she is ready to conduct the trial. Hence, she has prayed that the application may be rejected. Perused application, say and record. Heard both the sides at length.

2. Section 143A of the NI Act does not lay down any particular condition or parameter for passing order of interim compensation in favour or against the accused. Such order can be passed if the accused pleads not guilty. In present case, the accused has pleaded not guilty. Thus, she is liable to pay interim compensation. According to s. 143A(2), such interim compensation cannot exceed 20% of the amount of cheque. Considering the amount of cheque and nature of alleged transaction, an order of deposit of a sum of 20% of the amount of cheque would meet the ends of justice. The objection of accused is precisely her defence. That can be considered only after affording opportunity of hearing to both sides. Thus, there is no reason to refuse prayer of the complainant. Hence, the order :

ORDER

- 1 The application is allowed as prayed for.
- 2 The accused shall deposit a sum of Rs.14,000/- (20% of Rs.70,000/-) within the period specified in S.143A(3) of the NI Act.

(Typed and pronounced in open court)

Date : 02/05/2022.

(Nitin C. Pawar)
Judicial Magistrate First Class, Balapur.