

ORDER BELOW EXH. 1 IN S.C.C. NO. 235/2021
Adarsh Nagri Sahakari Patsanstha Ltd. Vs. Vishnu
(CNR No.MHAU110005262021)

By this application the complainant has prayed direction to the accused to deposit 20 % of the cheque amount as per Section 143A of the Negotiable Instrument Act. The accused has opposed it by filing say on back leaf of application. According to him, the complaint of the complainant is not tenable in the eye of law. The present accused on the date of filing this complaint did not have any legal debt and liability towards the credit society. The complainant misuse the blank cheque which were issued for only security purpose. The content of this application is false, bogus. Hence, he prayed for rejection of this application.

2. As per Section 143A of the Negotiable Instrument (Amendment) Act, where the accused pleads not guilty, the Court may order the drawer of the cheque to pay interim compensation to the complainant which shall not exceed 20% of the amount of the cheque.

3. The plea of the accused is recorded at Exh.10 on 30/6/2022. The accused pleaded not guilty. After that The provision under Section 143A of the Negotiable Instrument Act is discretionary. The accused did not point out any ground and filed any document in support of his say on this application and not to use the said discretion against him. The cheque amount is Rs. 2,36,831/-. As per allegations in the complaint, complainant has received the said cheque for repayment of loan amount paid to the accused. It is, therefore, proper to direct the accused to deposit 20% amount as interim compensation to the complainant. Hence, following order is passed.

ORDER

1. The accused is directed to pay amount of Rs.47,366/- (Rs. One Fourty seven thousand three hundred sixty six only) to the complainant as interim compensation within 60 (Sixty) days from today.
2. The trial of the case shall be proceeded immediately.
3. Both the parties shall take note that trial will not be prolonged or stayed for payment, recovery etc. of the compensation amount.
4. If, after conclusion of trial accused is acquitted then complainant should refund the compensation amount to the accused with interest of nationalize bank.

Date: 23.03.2023

(Dhananjay S. Deore)
Judicial Magistrate F.C., Court No.2
Phulambri.

CERTIFICATE

I affirm that the contents of this [P.D.F.](#) file order are same, word to word, as per the original order.

Name of the Stenographer	: S. D. Chavan Stenographer
Court	: JMFC Court, No. 2, Phulambri.
Date	: 23.03.2023
Order signed by the presiding officer on	: 23.03.2023
Order uploaded on	: 23.03.2023

.....