

MHAU110011272020



ORDER BELOW EXH. 19

Perused application and say. Heard both the parties. Section 143-A of N.I. Act unless a provision for interim compensation which applies at trial stage. Matter is pending for evidence. Advocate for complainant filed present application on the basis of original cheques, book memo, notice and other documents claiming accused took loan of Rs.30,000/- on 22.03.2019 and gave cheque of Rs.42,688/- dated 30.09.2020. Complainant claim that, accused served with notice but not replied nor paid loan amount which is outstanding till date. Hence, he prayed to allow this application and direct to accused to deposit 20% of cheque amount.

2. Accused given say stating that, on 31.03.2022 she deposited amount of Rs. 6500/- receipt no.2554 with the complainant and prayed to pay amount of cheque in installment on next date.

3. Advocate for complainant argued that, accused has accepted loan given to her. So also direction payment upto 20% of cheque amount is discretionary power of the court. Accused is prolonging the matter, hence to carb delay tactics.

4. While considering record process was issued on 17.12.2020 While plea recorded on 04.03.2021, while present application was filed on 11.11.2021 and replied by accused after no say order passed on 27.01.2022 by my predecessor Court. After perusal of documents complainant has filed original documents on record which points out primarily that accused had taken loan. Further from say filed by accused

it can be seen that, accused has admitted the fact of cheque given to the complainant. It is true that power given under section 143-A of N.I. Act is discretionary in nature and not mandatory. Said section was inserted to curb delay tactic. Present matter filed in 2020, after that accused appeared in this matter on 04.03.2021 Considering nature of offence and nature of proceedings, I am of the opinion that, complainant has filed document on record. Though still trial is going on and being beneficial legislation, I do not see any hurdle to grant relief considering prima facie case on documents filed on record. Application is allowed, accused to pay 20% amount to complainant before court within 60 days from today.

Phulambri
Date: 19.01.2023

(V. V. Raojadeja)
J.M.F.C., 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 :- Shri. Yuvraj Bhagwansing Mirdhe

Court :- CJJD & JMFC Phulambri.

Date :- 19.01.2023

Order signed by the Presiding

Officer on :- 19.01.2023

Order uploaded on :- 25.01.2023