

MHAU110011292020



ORDER BELOW EXH. 1

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.2,50,000/- on 02.01.2018 and gave cheque of Rs. 2,95,770/- on 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. Advocate for accused given say and strongly objected this application by denying fact of loan taken from the complainant. He argued that, the accused has not taken any loan from the complainant as well as accused do not legally liable to pay any debt to the complainant. The complainant has filed baseless complaint, hence not maintainable. Advocate for accused prayed to reject this application with cost.

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

4. While considering record process was issued on 17.10.2020. While plea recorded on 18.02.2021, while present application was filed on 27.01.2022 and replied by accused on 11.08.2022. After perusal of documents complainant has filed original documents on record which points out primarily that accused had taken loan. 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 18.02.2021. 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: 18.12.2025

(Dr.R.S.Kulkarni)
J.M.F.C., Phulambri