

SCC No. 842/2018
(Dinesh Vs. Shaikh Rais)
Order below Exh. 19

This is the application filed under section 143 (A) of Negotiable Instruments Act 1881 for grant of interim compensation to the complainant.

02. It is the contention of the complainant that, accused has issued cheque of Rs. 1,00,000/- of his account to the complainant towards legal debt which was dishonour. Therefore this proceeding is filed. After appearance of the accused, accused has pleaded not guilty. Therefore, as per the provision given in section 143 (A) of the Negotiable Instruments Act complainant is entitled to get 20 % interim compensation amount from the accused.

03. By filing say accused opposed the application contending that, he has not issued the cheque to the complainant towards legal debt. Complainant has not mentioned anything about hardship and need of amount of interim compensation. Complainant has misused the cheque lost of the accused in the bus on 06.12.2017 at Ambad. Therefore, he sought for rejection of this application.

04. Heard learned counsels for both the sides. Perused the record. As per section 143 (A) of the Negotiable Instruments Act, if the accused pleads not guilty to the accusation made in the complaint the Court may order the drawer of the cheque to pay interim compensation to

the complainant. Thus, the perusal of this provision shows that, grant of interim compensation is not mandatory but it is a directory in nature. While granting interim compensation to the complainant Court is required to give reasons for the same. In the case in hand particulars of the offence against accused was framed on 07.09.2019 and this application is filed on 10.09.2019. The accused has filed his say on 21.11.2019. Thus, it appears that, accused is not prolonging the matter prior to his appearance or thereafter. Accused has taken plea that, complainant has misused the cheque he lost in the bus on 06.12.2017. To support his contention accused has filed on record the report given of loss of cheque bearing no. 000010 to 000015 in the bus. Disputed cheque bears the number 000013. Therefore, at this stage of the proceeding it cannot be presumed that, the cheque was issued to the complainant by the accused for legally recoverable debt. These facts are required to be proved by the complainant and accused by leading evidence. Therefore, I am not inclined to consider the prayer of the complainant for interim compensation amount. Hence, following order.

ORDER

This application is rejected.

Date :- 08-09-2023

**(S. P. Wankhade)
Judicial Magistrate First Class,
Georai, Tq. Georai, Dist. Beed.**

Certificate

I affirm that the contents of this PDF file are word to word as per original order.

Dictated on : 08/09/2023

Transcribed on : 08/09/2023

Checked & signed on : 08/09/2023

Sd./

(V. V. Mandve)
Stenographer (Grade-3),
C.J.J.D. & J.M.F.C. Georai.