

MHKO050002372020



ORDER PASSED BELOW EXH. 12 IN

S.C.C. No.136/2020

Sarada Texcom V/s. Durga Trading

This is an application by complainant for interim compensation under Section 143-A of Negotiable Instrument Act, 1881.

2. In the present case, accused has not pleaded guilty and claimed to be tried vide Exh.11 on 07/01/2022. Present complaint is filed on 10/01/2020. Complainant has prayed that, accused be directed to pay interim compensation i.e. 20% of the total Cheque amount Rs.1,15,589/- i.e. Rs.23117.8/-.

3. Accused has not file say.

4. Perused record of the case. Heard learned advocates for both the parties.

5. Section 143-A of the N.I.Act was introduced by Amendment Act, 2018. This amendment is implemented with effect from 2/8/2018. The object behind this amendment is to reduce the undue delay in the cheque dishonor cases and to provide for payment of interim compensation to the complainant. Court can award interim compensation upto 20% of the cheque

amount. This amount shall be paid within 60 days from the date of order.

6. In case where the drawer is acquitted, then the payee may be directed to refund the entire of interim compensation alongwith the prevailing bank interest rate to the drawer.

7. In the present case, accused has not pleaded guilty. Considering the object behind the amendment it is necessary to provide interim compensation to the complainant. This amount can be recovered from the complainant if accused is acquitted alongwith prevailing bank interest rate. The application deserves to be allowed. Therefore, I proceed to pass following order-

### **ORDER**

1. Application Exh. 12 is hereby allowed.
2. Accused shall pay 20% of total cheque amount i.e. Rs.23117.8/- to complainant within 60 days from the date of this order.
3. If the accused has paid the interim compensation to complainant and if he is acquitted in this case, the complainant shall pay Rs.23117.8/- alongwith interest @6% p.a. from the date of payment till realization.

Place :Ichalkaranji.  
Date : 16/07/2022.

(M.M.Choudhary)  
JMFC,Court No.4, Ichalkaranji.