

MHKO050032222024 	<u>Order passed below Exh.14 in SCC</u> <u>No.1868/2024.</u> <u>Vikas Banarsingh Tamachikar V/s. Avinash Dilip</u> <u>Gavhane and ors.</u>
---	---

This is an application filed by complainant as per Sec.143(a) of the Negotiable Instrument Act, 1881 (In short N.I. Act) to direct the accused to pay 20% amount of the disputed cheque as interim compensation. The complainant has stated that the instant application be allowed in view of provisions of N.I. Act.

2. Accused Nos.1 and 2 have scribed their say overleaf the application and resisted on the ground that financial condition of accused is not sound. Hence, they contended that the matter be proceeded on merits. Therefore, prayed to reject the application.

3. Perused the application and the say filed by accused Nos.1 and 2. Heard. It reveals from record that on 06/08/2024 the plea of accused Nos.1 and 2 was recorded at **Exh.11**. Accused Nos.1 and 2 have pleaded not guilty. The intention of legislature for amendment of Sec.143(a) should also have to be considered. It is also necessary to mention here that the provision also provides that in case of acquittal accused Nos.1 and 2 are entitle to recover the amount of interim compensation. No prejudice will be cause if the application is allowed. So also there is absolutely no material placed on record by accused Nos.1 and 2 to show that they are incapacitated to deposit 20% of cheque amount. Considering the facts of the case, I am of the opinion that the application deserves to be allowed. Accordingly, I pass following order:-

ORDER

1.	The application is allowed.
2.	Accused Nos.1 and 2 are directed to pay 20% of cheque amount i.e. Rs.25,000/- as interim compensation to the complainant.
(Dictated and pronounced in open court.)	

Date:18/03/2026.

(R. D. Kharate)
Judicial Magistrate First Class,
Ichalkaranji.