


MHKO140001512023 	<b>Summary Criminal Case No.21/2023</b>  <b>New Navhind Multi Purpose Multi State Co Op Society, Patane Fata, Through Mohan Nagesh Chandgadkar Vs. Shashikant Dattaram Patil</b>
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**ORDER BELOW EXHIBIT- 17**  
(Passed on 17/02/2026)

1. This is an application filed by complainant under section 143-A of the Negotiable Instrument Act (hereinafter referred to as 'the NI Act') for interim compensation.
2. It is the contention of complainant that, the present complaint is filed u/sec.138 of the N.I. Act. The accused issued disputed cheque of Rs.4,35,000/-. The plea of accused is recorded. The accused pleaded not guilty. As per section 143-A of N.I. Act, it is necessary to direct the accused to deposit 20% interim compensation. Hence, present application.
3. In spite of sufficient opportunity, the accused failed to file say. Hence, application proceeded without say.
4. Perused the record. Heard the learned advocate **Smt. C. S. Patil** for complainant. Following are the points for determination along with findings thereon.

Sr no.	POINTS	FINDINGS
1	Whether the complainant is entitled for interim compensation as prayed?	<b>Yes</b>
2	What order	<b>As per operative order</b>

**REASONS**

5. According to complainant, as per sec.143-A of the NI Act, accused is liable to pay interim compensation of 20% of cheque amount. Before proceeding further it is necessary to mention section 143-A. Section 143A of the N.I. Act has been inserted by Negotiable Instrument (Amendment) 2018 on 01/09/2018. It provides that, *the Court may order the drawer of the cheque to pay interim compensation up to 20% of cheque amount to the complainant in summary trial or a summons case, where the accused pleads not guilty to the accusation made in the complaint.* However the essential requirement for grant of interim compensation is that, the case is tried as summary or summons case and the plea of accused is recorded to which the accused pleaded not guilty. In view of the aforesaid provisions, and guidelines of the Hon'ble Supreme Court, it is necessary to see, whether the complainant is entitled for the compensation as prayed. It is settled position of law that, the provision of sec.143-A is directory and not mandatory. However, the Court has discretion to grant it or to refuse it after taking into consideration the relevant factors. One of aspect is that, the complainant has to establish prima-facie case.
6. I have perused the complaint, verification affidavits and documents filed on record by both side. It is alleged that, the accused have obtained loan of Rs.3,00,000/- from complainant bank. It is alleged that, the accused was under liability to pay the due amount. It is alleged that, the accused in order to pay the said amount, issued disputed cheque bearing no.000010, dated 03/12/2022. It is alleged that, the disputed cheque is dishonored due to insufficient fund in the account. The complainant has filed on record copy of disputed cheque, bank return memo, copy of

notice, postal receipt.

7. It is matter of record that, after perusal of complaint, verification affidavit and documents filed on record, cognizance was taken by this court and issue process order is passed against the accused below Exh.1 dated 03/03/2023. The accused appeared. The plea of accused is recorded on 24/04/2024 to which he pleaded not guilty and claimed to be tried. Thereafter, the present application is made. It appears that complainant has filed on record affidavit in support of the contention of the complaint. He has also filed on record disputed copy of cheque bearing no.000010 which prima-facie appears to be signed by the accused. The signature of accused is on disputed cheque. At this stage no inference can be drawn that the signature on cheque is of someone else. The Complainant has also filed bank return memo which shows that the disputed cheque is dishonored due to insufficient fund in the account of accused. Thereafter, the complainant issued notice to the accused and thereby demanded the cheque amount which is served on the accused.
8. Hence, prima-facie it appears that, the disputed cheque is issued by the accused in favour of complainant and said cheque is dishonored due to insufficient fund in the account of accused. At this stage, no need to go in the merits of the case. However, the essential ingredients for proceeding against the accused u/sec.138 of N.I. Act are made out. Whether the disputed cheque is issued by the accused for repayment of amount? Whether accused committed an offence punishable under section 138 of the NI Act? etc. are the matter of adjudication and needs to be decided after considering the evidence. But at this stage, disputed cheque of Rs.4,35,000/- is filed on record and it appears that, said cheque is dishonored due to insufficient fund. Hence, at this

stage it cannot be said that there is no prima-facie case.

9. In view of aforesaid discussion, I am of the view that, prima-facie the essential requirement for grant of interim compensation has been fulfilled. It appears that, it will take some time to dispose the matter. Record shows that, the accused have caused delay in failing say to the present application and delayed the matter. So, along with other criteria causing delay is also one half the aspect while dealing with present application. Hence, it would be proper to direct the accused to pay interim compensation. Moreover considering the amount of cheque and fact of the case, it would not be proper to grant 20% interim compensation. It would be proper and sufficient to direct the accused to pay 15% of cheque amount to the complainant. It is necessary to mention that, in case of acquittal, the accused will be entitled to get the said amount from the complainant.

Accordingly, I answer point no.1 in affirmative and pass following order.

**ORDER**

- 1) The application is partly allowed.
- 2) The accused is directed to pay 15% of cheque amount to the complainant as interim compensation.
- 3) The interim compensation shall be paid within 60 days from today.
- 4) On failure of payment, the complainant may initiate proceeding for recovery under appropriate provision of the Code of Criminal Procedure.

<b>Date- 17/02/2026.</b>	<b>(Waman D. Jadhav)</b>
<b>Place-Chandgad.</b>	<b>Judicial Magistrate First Class, Chandgad.</b>

