



S.C.C./706/2019
Supriya Sanjay Ghatage
Vs.
Vishal Vasantrao Patil

Order below Exh. 7

- 1] The present application is filed by the complainant for interim compensation of the cheque amount. It is submitted by complainant that, present complaint is filed U/s.138 of Negotiable Instrument Act. The cheque in question is of Rs.2,60,000/- (Rs. Two Lakhs Sixty Thousands Only) and the same was dishonored. As per recent amendment in Negotiable Instrument Act, Section 143-A is inserted and it provides for grant of Twenty percent of the amount of cheque towards interim compensation during the pendency of trial. Hence, accused be directed to pay the Twenty percent of the cheque amount towards interim compensation i.e 52,000/-.
- 2] The accused has not filed his reply till the date. Hence, no say order was passed against the accused.
- 3] Perused application and heard the complainant. After perusal of record it appears that, the complaint was filed on 20/11/2019. The issue process order was passed on 20/11/2019. The plea of accused came to be recorded on 25/01/2024 and accused pleaded not guilty. The said issue process order is not challenged by accused. After the amendment of 2018, the complainant can make an application for interim compensation under Section 143-A of the Negotiable Instrument Act. Hence, it is worth now to see the said

provision at this stage as follows :-

Section 143-A – Power to direct interim compensation –

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) Court trying an offence under section 138 may order the drawer of the cheque to pay interim compensation to the complainant –

(a) in a summary trial or a summons case, where he pleads not guilty to the accusation made in the complaint, and

(b) in any other case, upon framing of charge.

(2) The interim compensation under sub-section (1) shall not exceed twenty percent of the amount of the cheque.

(3) The interim compensation shall be paid within sixty days from the date of the order under sub-section (1), or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the drawer of the cheque.

(4) If the drawer of the cheque is acquitted, the Court shall direct the complainant to repay to the drawer the amount of interim compensation, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days

as may be directed by the Court on sufficient cause being shown by the complainant.

- (5) *The interim compensation payable under this section may be recovered as if it were a fine under section 421 of the Code of Criminal Procedure, 1973 (2 of 1974).*
- (6) *The amount of fine imposed under section 138 or the amount of compensation awarded under section 357 of The Code of Criminal Procedure, 1973 (2 of 1974), shall be reduced by the amount paid or recovered as interim compensation under this Section.*

4] The discretion is given to the Court to grant interim compensation to the extent of twenty percent of the cheque amount. The said amendment came into force on 01/09/2018. The plea of accused was recorded on 25/01/2024. The purpose behind such enactment is to grant interim relief to complainant as completion of trial may take some time. Moreover, if case is resulted in acquittal then accused is entitled for refund of this amount with interest at the bank rate as published by R.B.I. prevalent at the beginning of the relevant financial year within sixty days from the date of order. Considering the cheque amount and provision under section 143-A of NI Act. I am of the opinion of that accused can be directed to pay interim compensation of Rs.52,000 /-. Hence, in view of above discussion, I proceed to pass following order.

ORDER

- [1] Application Exh.7 is allowed.
- [2] The accused is directed to pay the amount of Rs.52,000 /- (Rs. Fifty Two Thousands Only) as interim compensation towards the cheque amount.
- [3] The said amount is payable to complainant within sixty days from the date of this order.
- [4] Failing to comply above order, this amount will be recovered from the accused vide Section 421 of Code of Criminal Procedure.

Panhala
Date - 03/11/2025

Sd/-
K. D. Kakatkar
Judicial Magistrate, First Class,
Panhala.