

MHKO180000322025

Summary Cr. Case No.20/2025

Priyanka Manoj Patil

Versus

Dhanaji Rajaram Patil

ORDER BELOW EXH.14.

Present application is filed by the complainant for interim compensation of the cheque amount. It is submitted by complainant that, present complaint is filed under Section 138 of Negotiable Instrument Act, 1881 (herein-after referred to as N. I. Act). The cheque in question is of Rs.41,72,000/- (Rupees Forty One Lakh Seventy Two Thousand only) and the same was dishonoured. As per recent amendment in N. I. Act Section 143A is inserted and it provides for grant of 20% amount of cheque towards interim compensation during the pendency of trial. Hence, accused be directed to pay the 20% of the cheque amount towards interim compensation.

02. Accused filed Say (Exh.16) and objected the application. It is submitted by accused that, contents of application are false, accused is not liable to pay any amount to complainant. No documentary evidence is brought on record by the complainant that accused is liable to pay him any amount. Hence, he prayed to reject the application.

03. Learned Advocate for the complainant has argued that, accused has appeared in this proceeding and his plea has been recorded. Accused did not plead guilty and claimed to be tried. Trial of the case will consume more time. Accused has not paid any

money to the complainant out of the cheque amount in this case. Accused is prolonging the matter. Complainant's huge amount is held up due to dishonour of said cheque and due to that complainant is facing financial problems. Hence, accused be directed to deposit/pay interim compensation 20% amount of disputed cheque to the complainant before commencement of trial.

04. Ld. Advocate for accused has argued that present application is filed to harass the accused by taking undue advantage of the law. Complainant is not provide the account statement. He has only to harass the accused. Hence, he prayed for rejection of application.

05. Perused the application and say. Heard both parties. Issue process order was passed on 06/02/2025 and the plea of accused was recorded on 21/04/2025. Said process is not challenged by the accused. After amendment of 2018 the complainant make an application for interim compensation under section 143A of N. I. Act Hence, its worth to see the said provision at this stage as follows:

143A. Power to direct interim compensation.

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the 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.

06. The discretion is given to the court to grant interim compensation to the extent of 20% of the cheque amount. The purpose behind such enactment is to grant interim relief to the 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 Reserve Bank of India prevalent at the beginning of the relevant financial year, within sixty days from the date of the order. Considering the cheque amount and provision under section 143-A of N. I. Act, I am of the opinion that the accused can be directed to pay interim compensation of Rs.8,34,400/- (Rupees Eight Lakh Thirty Four Thousand Four Hundred only). Hence, in view of the above discretion, I pass following order :-

ORDER

- a) Application (Exhibit No.14) is allowed.
- b) Accused is hereby directed to pay to the complainant, 20% amount i.e. Rs.8,34,400/- (Rupees Eight Lakh Thirty Four Thousand Four Hundred only) out of the total disputed cheque amount, towards interim compensation, within 60 days from today.

Date : 30/07/2026.
Place : Kurundwad.

(V. R. Mane)
Judicial Magistrate F.C., Kurundwad.