



S.T.C. No. 613/2018
Narsinha Vs. New Ashwini
CNR-MHLA120021162018

ORDER BELOW EXH.28

1. This is an application filed by complainant u/s. 143A of Negotiable Instrument Act (in short “N.I. Act”).
2. It is contention of complainant that, he has filed the present complaint against accused under Section 138 of N.I. Act. The accused has failed to pay the amount even after service of notice. As per newly amended Section 143A of N.I. Act the accused shall pay 20% interim compensation on cheque amount to the complainant. Hence, complainant prayed to direct the accused to pay 20% interim compensation on cheque amount to the complainant.
3. The present application filed 02/01/2023. Sufficient opportunity granted to accused to file say on this application, but despite of opportunity accused failed to file say on it. Lastly, on 03/03/2023 court has passed the order of no say on this application. Since then, application pending for argument. Now today complainant argued on this application. On repeated call accused and his Advocate both are absent today. Hence, application taken for consideration on its merit.
4. Perused the application. Heard Ld. Advocate for complainant.
5. Section 143A of N.I. Act gives a power to Court to direct the accused to pay interim compensation to the complainant. Section 143A(1) of the N.I. Act provides the Court may direct to pay interim compensation-
 1. *In a summary trial a summons where he plead not guilty to the accusation made in the complaint, and*
 2. *In any other case upon framing of charge.*
6. The discretionary power is vested to the trial court in

ordering for interim compensation. The Ld. Advocate for complainant argued that matter is very old of year 2018 and accused intentionally delayed the proceeding, therefore, 20% amount is necessary to grant to stop such type of tactics. On perusal of roznama it appears that, on 04/11/2022 accused appear and bail out and plea against the accused was recorded. Thereafter, this application filed by the complainant. Thereafter, several time he sought exemption.

7. As per amended provision of Section 143A of N.I. Act the Court can direct the drawer of a cheque to pay interim compensation on cheque amount to the complainant. In the instant case the plea has been recorded and accused has not pleaded guilty to the accusation made in the complaint. The matter is very old of the year 2018. Record shows that, several time summons and warrant issued against the accused, but accused avoided service of summons. Therefore, it is a fit case to grant 20% interim compensation to the complainant. Hence, I pass following order-

ORDER

1. The accused is directed to pay interim compensation of 20% of cheque amount to the complainant as per the provisions of section 143A of N.I. Act.
2. Parties to take note and comply.

Date 11/08/2023

(**N.A.L. Shaikh**)
Judicial Magistrate First Class,
(Court No.2), Nilanga.