

Kalpana Vs. Vinod

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS
20TH COURT, MAZGAON, MUMBAI

C.C. No. 8550/SC/2024

ORDER BELOW APPLICATION EXH.11

Read. Perused the record.

The points for determination along-with my findings are as under...

Sr. No.	Points	Findings
1	Has the complainant made out prima facie case ?	Yes.
2	Has the accused placed on record prima facie defence ? If yes, where is it pleaded and plausible ?	No.
3	What are the relevant factors pertaining to this claim ?	Cheques
4	Is the complainant entitled for interim compensation? If yes, What should be the quantum ?	Yes.

REASONS

AS TO POINT NOS. 1 TO 4 :-

2 The accused has opposed the plea with contentions that the complaint is false. The subject cheques have been manipulated. He is not liable nor issued the cheques as alleged. Permission has been sought to examine handwritten note and the cheques through an Expert.

3 Learned advocate for the accused has submitted that :- the ledger would signify several entries pertaining to cash transactions. Those have not been reflected in the account statement. The complainant has suppressed the fact of receipt of amounts. The accused



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has repaid substantial amounts.

4 The process has been issued. The plea has been recorded. The documents have been marked as exhibits on 17.11.2025. The accused has already received the copies of the complaint and the documents. His contentions are reflected in the say and the application presented under section 243 (2) of the Code of Criminal Procedure seeking an Expert's opinion. That apart, no other compliance has been made under section 145 (2) of the Negotiable Instruments Act. No prima facie justification has been placed on record as to why the demand notice was not responded. Against this, the complainant has relied upon the cheque, the bank return memo, the demand notice, the postal receipt, the postal acknowledgment vide Exh.7 and the account statement. Said evidence does signify prima facie that the transaction happened, the cheques issued and got bounced. The trial is not likely to be concluded in near future and therefore the complainant has made out grounds to consider the application for interim compensation i.e. 10% of the cheque amount.

5 No bank statement is placed on record to disclose financial distress of the accused. No specific denial is placed on record pertaining to the subject cheques. No prima facie contrary evidence is adduced indicating that the accused is not the drawer of the instruments/subject cheques. The accused has thus failed to make out prima facie grounds to accept that his defence is plausible as per the principal laid down in the case law **Rakesh Ranjan Shrivastava Vs. The State of Jharkhand And**



...3...

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6 Point nos.1, 4 are therefore answered in the affirmative.
Point no.2 is answered in the negative and following order is passed.

ORDER

1 The application stands partly allowed as under.

2 The drawer of the cheques i.e. the accused shall pay an interim compensation of 10% of the amount of the cheques i.e. Rs.40,000/-(Rs. Forty Thousand) only to the complainant vide section 143 (A) of the Negotiable Instruments Act within 60 (sixty) days from today.

3 The complainant shall repay said amount to the accused with interest at the bank rate in case of acquittal of the accused vide section 143 (A) of the Negotiable Instruments Act.

4 Both the sides to note and do the needful accordingly vide section 143 (A) of the Negotiable Instruments Act.



(V.B. Gulve-Patil)

Date : 14.01.2026

Judicial Magistrate First Class,
20th Court, Mazgaon, Mumbai.