

Order below Exh. 43 in C.C. No.22/SS/2019

This is an application filed by the complainant under section 143-A of the Negotiable Instruments Act, 1881 (In short 'N.I. Act') for interim compensation.

2. The complainant contended that, the accused have appeared and their plea has been recorded. In view of Section 143-A of N.I. Act, accused is liable to pay interim compensation @20% of the cheque amount to the complainant. Hence, the complainant has filed the present application and prayed for allow of the application.

3. The accused has resisted the application by filing say vide Exh.45 and denied the application.

4. In the present case, on perusal of proceeding, it is seen that, plea of accused is yet not recorded. The application under Section 143-A of N.I. Act for interim compensation can be filed only after recording plea or framing charge. However, in the present case, plea is yet not recorded. The application is filed before recording plea. Hence, the application is premature. Therefore, it is liable to be rejected. Accordingly, I proceed to pass following order :-

ORDER

1. The application is rejected.
2. Dictated and pronounced in open court.

Sd/-

(A.S. Tekale)

Metropolitan Magistrate
14th Court, Girgaon, Mumbai.

Date : 19.07.2024
KCK