

ORDER PASSED BELOW EXHIBIT - 37
[Passed on 06/12/2022]

This application is moved by complainant praying for 20% interim compensation under Section 143(A) of Negotiable Instrument Act.

2. The complainant has submitted that the accused persons have issued the cheque for the amount of Rs.25,00,000/- to the complainant to discharge their legal liability. But said cheque dishonoured due to the insufficient fund in the account of accused. Therefore the complainant has prayed for 20% of interim compensation as per section 143 of Negotiable Instrument Act, 1881. The accused persons have opposed the application by filing their say. They contended that the present application is not maintainable as accused persons are ready to attain the court regularly and cooperating in speedy trial of case. Hence they have prayed for rejection of the said application.

3. Heard learned advocate Shri. A.K.Lodha for the complainant and learned Shri.H.T.Rajput for the accused persons. They have submitted their arguments as per the application and say.

4. Perused the record and documents submitted by the complainant. The plea of accused is recorded on 18/07/2022 at Exh. 33 to which accused persons have pleaded not guilty. As a plea is recorded and accused persons have not pleaded guilty, so the decision of case on merit will take time. The complainant has alleged that accused persons issued the cheque bearing No. 208403 dated 20/11/2021 for the amount of Rs.25,00,000/- drawn from their account in the favour of the complainant with intend to discharge their legal liability or debt. The said cheque came to be dishonoured when it was presented at bank account of the complainant. Considering the fact that accused persons pleaded not guilty

and *prima facie* considering the document on record, the complainant is entitled to get interim compensation. Considering the fact and circumstances, I think it justifiable to grant 10 % of cheque amount as interim compensation. Thus, in interest of justice, I proceed to pass following order.

ORDER

- 1) Application is allowed.
- 2) Accused persons are directed to pay 10% of cheque amount as interim compensation vide section 143(A) of Negotiable Instrument Act to complainant within 60 days from the date of order.

Nandurbar
Dt. 06/12/2022

(**Smt. Y. K. Raut**)
Judicial Magistrate First Class,
Nandurbar.