

SCC No. 486/2023

Sanjiv Natha Gadhave

Complainant

Vs.

Sudam Laxman Rokade

Accused

Order below Exh-13 in SCC No.486/2023

This is an application under the provisions of S. 143A of the Negotiable Instruments Act, 1881 seeking direction to accused to deposit a sum of 20% of the cheque amount. The accused has resisted the application *vide* say on the ground that the accused did not owe any sum to the complainant. Complainant has filed present false complaint against the accused. According to him there is difference between date of cheque and date of notice. Hence, he has prayed that the application may be rejected. Perused application, say and record. Heard both the sides at length.

2. Section 143A of the NI Act does not lay down any particular condition or parameter for passing order of interim compensation in favour or against the accused. Such order can be passed if the accused pleads not guilty. In present case, the accused has pleaded not guilty. Thus, he is liable to pay interim compensation. According to sec. 143A(2), such interim compensation cannot exceed 20% of the amount of cheque. Considering the amount of cheque and nature of alleged transaction, an order of deposit of a sum of 20% of the amount of cheque would meet the ends of justice. The objection of accused is precisely his defence. That can be considered only after affording

opportunity of hearing to both sides. Thus, there is no reason to refuse prayer of the complainant. Hence, the order :

ORDER

1. The application is allowed as prayed for.
2. The accused shall deposit a sum of Rs.1,10,000/- (20% of Rs.5,50,000/-) within the period specified in Sec. 143A(3) of the NI Act.

(Typed and pronounced in open court)

Date :- 20/06/2025.

(T.S.Mahadik)
Judicial Magistrate First Class
Pimpri.