

S.C.C. No. 789/2022
Sau. Rashmi Doshi..Vrs..Deron Properties and others
CNR No. MH-PU-09-001796-2022

ORDER BELOW EXH. 38
Delivered on 06th day of June, 2026

In a complaint under Section 138 of the Negotiable Instrument Act, 1881 (for short 'the NI Act'), the complainant has moved this application along with affidavit under Section 143 A (5) of the NI Act praying therein to issue warrant for the levy of an amount by attachment and sell movable properties of the accused as he failed to deposit an interim compensation awarded by this Court within 60 days from the date of order.

2. The accused persons failed to file their say. Hence, present application is proceeded without say of the accused persons.

3. Heard. Perused record and application.

4. Record shows that this court has granted an application filed below Exh. 34 by the complainant vide order dated 09.04.2025 and the accused is directed to pay 10 % amount of the cheque i.e. Rs. 1,30,041/- an interim compensation to the complainant within 60 days. Till today the accused is failed to obey the order dated 09.04.2025 passed below Exh. 34.

5. Section 143 A of the NI act enables the trial court to award interim compensation in the cases arising out of dishonour of the cheque. It is provided that the interim compensation

shall be paid within 60 days from the date of order under Sub Section (1) of Section 143 A or within such further period not exceeding 30 days as may be directed by the court on sufficient cause being shown by the drawer of the cheque. Sub Section (5) of Section 143 A of the NI Act provides that interim compensation if not prayed as provided in Sub Section (3), it may be recovered as if it were a fine under Section 421 of the Code of Criminal Procedure, 1973 (for short "the Cr. P. C.). Section 421 of the Cr. P. C. deals with the procedure for recovery of fine. It provides that the Court can adopt any of the procedure prescribed in Section 421(1) of Cr. P. C. First option with the court is to issue a warrant for the levy of the amount by attachment or sale of any movable property belonging to the offender. Second option is to issue a warrant to the Collector of the District authorizing him to realize the amount as arrears of land revenue from the movable or immovable property or both, of the defaulter.

6. In view of the aforesaid settled legal provisions, it is clear that the interim compensation order by the court under Section 143 A (1) of the NI Act can be recovered under Section 421 of the Cr. P. C.

7. Admittedly till today the accused failed to pay an amount as ordered below Exh. 34 dated 09.04.2025. Its more than 90 days elapsed but, the accused failed to obey the order. There is no any sufficient cause shown by the accused precluding this court from passing any such order. Even it is also not the say of the accused that he has challenged the order before the appellate Court. Therefore, this application deserved to be

allowed. As the complainant moved this application praying for issue of warrant of attachment and sale of movable properties of accused, it would be appropriate to go for Section 421 Cr. PC, i.e. first option as described above. In the result following order is passed.

Order

1. Application Exh. 38 is allowed
2. Issue warrant for the levy of amount of Rs. 1,30,041/- by attachment and sale of movable properties of the accused.

Pimpri, Pune
Dated : 06.06.2026

(AL Amoodi A. K.)
Judicial Magistrate First Class,
Pimpri, Pune.

C E R T I F I C A T E

“ I affirm that the contents of this P. D. F. file Judgment / Order are same word for word as per original Judgment.

Name of Steno : Smt. K. U. Pawar

Court Name :AL Amoodi A. K.
Judicial Magistrate
First Class, Pimpri, Pune.

Date : 06.06.2026

Judgment /Order Signed by
Presiding Officer : 06.06.2026

Judgment/Order uploaded on : 06.06.2026