

MHPU230005562019



Order Below Exh.13
(Passed on 13/03/2024)

Present application is filed by complainant for grant of interim compensation from accused in view of Sec. 143A of Negotiable Instrument Act (NI Act for short).

2] It is the contention of complainant that process came to be issued against accused in the present case after prima facie case was found to be existing against him. Thereafter, the accused appeared in the court and the case was made ready for trial. The complainant states that considering the amount of cheque in dispute, interim compensation of 20% of the cheque amount be granted to him.

3] The accused filed say to the present application vide Exh. 14. It is the contention of accused that the present application is not true and is based on the false allegations. The complainant has no right to claim interim compensation. The complainant by misusing the cheque of accused, filed false complaint against the him. The accused has given notice reply to the notice issued by complainant and submitted that he is not liable to pay legal dues to the complainant. The complainant has taken disadvantage, cheated him and filed false complaint against him. Hence, he prayed for rejection of present application.

4] The record shows that plea of the accused is recorded vide Exh.12 and then the case was kept for evidence of complainant as accused pleaded not guilty. The cheque in dispute is for the amount of ₹ 3,00,000/- (Three lakhs only). Thus, the amount is substantial. It is already discussed in the order of issuing process against accused that the complainant has made out prima-facie

case against accused. In his say, accused has merely stated case of complainant is not true and based on the false allegations. The complainant by taking disadvantage cheated him. The complainant by misusing the cheque of accused filed false complaint against him. The accused further submitted that he is not liable to pay any dues to the complainant.

5] The accused has stated that the provisions of Sec. 143A of NI Act are not mandatory. The same is correct but accused could not make out any case to deny the prayer of complainant for interim compensation. In fact, from the said submission of accused, it prima facie appears that there was transaction between complainant and accused. It is true that the same is subject to proof but that will take time and as per Sec. 143A, if complainant fails to prove his case, then he will have to return the above amount to accused with interest.

6] Thus, accused will not suffer any loss on account of failure of complainant to prove his case. There is nothing on record to reject the present application. However considering the submission of accused and the huge amount of cheque, the interim compensation to the extent of 20% of the cheque amount would be sufficient. Therefore, in view of the discussion made above and in the interest of justice, I proceed to pass following order;

ORDER

1. Application is allowed.
2. The accused is directed to pay the interim compensation to the extent of 20% of the amount of the cheque in dispute to the complainant within one month.

Rajgurunagar-Khed.
Date-13/03/2024

Sd/xx
(S.B.Pawar)
Judicial Magistrate First Class
Rajgurunagar-Khed.

CERTIFICATE

I affirm that the contents of this P.D.F file Order are same, word to word, as per the original Order.

Name of Stenographer	: Gilbile A.D. Steno (L.G)
Court	: J.M.F.C. Khed-Rajgurunagar
Date	: 13.3.2024
Order signed by the Presiding Officer on	: 14.3.2024
Order uploaded on	: 14.3.2024

