



Present application is preferred by complainant under Section 143A of the Negotiable Instrument Act (hereinafter 'the NI Act' for short).

2. It is contended that, in present case the accused appeared and pleaded not guilty. The complainant has prima facie case which is supported by documents. Therefore, as per amendment under Section 143 of the NI Act and it's object and purpose, it is necessary to direct the accused to deposit 20 percent of the amount of cheque. The complainant had to take several efforts to secure presence of the accused before his plea could be recorded. It is therefore prayed that, the application be allowed.

3. The application is strongly resisted by the accused by filing say.

4. I have heard the learned advocate for the complainant and the learned advocate for the accused. The respective advocates reiterated the stands taken by them in the application and the say.

5. First and fore most, it is necessary to highlight the object and purpose behind enacting Section 143A of the NI Act. The very object of Section 143A of the NI Act is to provide some relief to the complainant to mitigate the financial and legal expenses suffered by the complainant due to default of the accused. As per Section 143A of the NI Act, the Court trying the offence under Section 138 may order the drawer of the cheque to pay interim compensation to the complainant where, the accused

pleads not guilty to the accusation made in the complaint.

6. From plain reading of Section 143A it can be clearly gathered that, the object of enacting Section 143A of the NI Act is to ensure that, the interest of complainant is upheld before the charges are proven against the drawer. In case in hand, present application is objected mainly on the grounds that, at interim stage presumption as to the guilt of the accused can not be drawn and the said provision is directory and not mandatory in nature.

7. It is seen that, the complainant had to take several efforts to secure presence of the accused before his plea could be recorded. The accused has pleaded not guilty. In case in hand, prima facie it is seen that, the accused had issued cheque in favour of the complainant for Rs. 6,08,268/-. It is also seen that, the said cheque could not be honoured. Moreover, the accused did not make payment of the said amount after receipt of the notice. Therefore, prima facie case is made out under Section 138 of the NI Act.

8. Prima facie it is seen that, the complainant needs to be provided interim relief in light of losses or expenses which might have been suffered by him due to default of the accused. Though the learned advocate for the accused argued that, granting such application would amount to presumption in respect of guilt of the accused, the order granting or refusing interim compensation can be taken into account and necessary orders can be passed to the effect at the end of the trial. Fate of the case would be decided on merits. Therefore, I do not find any substance in the said submission.

9. In view of the above discussion, case for grant of interim compensation under Section 143A of the NI Act is made out. So far as the prayer of awarding 20 percent of the cheque amount is concerned, the complainant has nowhere stated as to how much amount is needed at present. Therefore, considering the amount of cheque and the transaction into question, granting interim compensation to the extent of 10 percent of the amount of cheque i.e. Rs. 60,826/- (Rupees Sixty Thousand Eight Hundred Twenty Six only) would meet the ends of justice. Hence, I pass following order-

Order

1. The application is allowed in the aforesaid terms.
2. The accused shall pay an amount of Rs. 60,826/- (Rupees Sixty Thousand Eight Hundred Twenty Six only) as interim compensation to the complainant within a period of 60 days from the date of this order.

Junnar.
Date :- 14/12/2023

sd/xx
(Pracheta K. Rathod)
Judicial Magistrate First Class,
Junnar.

CERTIFICATE

I affirm that contents of this PDF file of this judgment/order are same and word for word as per original judgment/order.

Name of Steno	Swati C. Nichale, (Grade III)
Name of the Court	Hon'ble Pracheta K. Rathod, 2 nd Jt. C.J.J.D. & J.M.F.C., Junnar.
Date of decision	14/12/2023
Judgment signed by presiding officer on	14/12/2023
Judgment uploaded on	15/12/2023