

SCC No. 913/2023
Satish Gaikwad Vs. Anjali More
CNR No. MHPU26-001246-2021

ORDER BELOW EXH. 15

1. By the present application, the complainant is seeking direction to the accused to pay 20 percent cheque amount as a interim compensation under section 143-A of Negotiable Instrument Act, 1881.

2. The accused opposed application by filing reply on the overleaf of the application. It is contended that, the accused has already paid entire amount to the complainant. But, complainant has filed f case by mis-utilizing cheque. Hence, application be rejected.

3. Perused the application. Heard both sides.

4. The cheque in question is dated 14/03/2023. Section 143-A was effected from 02.09.2018. Therefore, said amendment would be applicable in present case. Section 143-A is inserted by the legislature to strengthen the credibility of cheque. Even though the provisions of 143-A are not mandatory but it gives discretion to the court to order the drawer of cheque to pay interim compensation up to 20 percent of cheque amount. In present matter plea of accused was recorded and she claimed to

be tried. The trial of case will take its own time. Prima facie, it reveals that, the cheque in question was issued for discharge of liability and issuance of cheque is not disputed. At this stage, mini trial cannot be conducted for purpose of objection taken by the accused. Therefore, considering the legislative intent and facts of present case in my opinion the complainant is entitled to seek relief under section 143-A of Negotiable Instrument Act. Hence, I proceed to pass following order.-

ORDER

1. The application is allowed.
2. Accused shall pay 20 per cent of cheque amount to the complainant within 60 days from date of this order.
3. No order as to cost.

Date :- 02/07/2024

(A. S. Agrawal)
6th Jt. Judicial Magistrate First Class,
Vadgaon Maval, Pune

CERTIFICATE

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

UPLOAD DATE
02/07/2024

TIME NAME OF THE
 STENOGRAPHER
Mayur R. Sonwane

Name of the Court

Shri. A. S. Agrawal,
6th Jt. Civil Judge (J.D.),
Vadgaon Maval, Pune

Date OF Pronouncement of
judgment/Order

02/07/2024

Judgment/Order Typed on

03/07/2024

Judgment/Order signed by P.O.
on

03/07/2024

Judgment uploaded on

03/07/2024

Sd/-xxx
Stenographer
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