

ORDER BELOW EXH. 28.

1. The complainant has filed present application to direct the accused to pay 20% of the cheque amount as interim compensation. The complainant submits that as the accused has not pleaded guilty, he should be directed to pay 20% of the cheque amount as interim compensation to the complainant. Hence the application.
2. The accused opposed to present application by filing his say overleaf the application.
3. Perused the record. Heard Ld. Advocates of respective parties. As the process is issued against the accused for offence punishable under section 138 of Negotiable Instrument Act 1881 (for short N. I. Act) vide section 204 of the Code of Criminal Procedure 1973, it can be safely said that the complainant has established his prima facie case. Moreover on perusal of the complaint, it is seen that the accused has issued disputed cheque of Rs. 2,00,000/- which is dishonored due to reason of 'funds insufficient' and even receiving demand notice by him the accused failed to pay cheque amount to the complainant. In view of averment made by the complainant in his complaint as well as documents produced along with, it is prima facie seen that the accused is liable to pay cheque amount to the complainant. Further the accused denied the offence and claimed to be tried, therefore necessary requirement for grant of interim compensation as contemplated in amended provision of section 143A of the N. I. Act is fulfilled.

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4. Provision of section 143 (A) of N. I. Act is brought to the statute book with the main purpose to provide some relief to the complainant in such cases since the disposal of such cases take sometime and sometimes the matter get struck at the stage of appeal also. Further, the one object and reason of new amended section 143A of the N. I. Act is also to reduce the undue delay in disposal of cheque dishonored cases and also for providing interim compensation to the complainant. Considering all, I find fit case to grant 20% cheque amount as interim compensation to the complainant. Hence, following order is passed.

ORDER

1. Application is allowed.
2. The accused is directed to pay 20% of the cheque amount Rs.2,00,000/- i.e Rs. 40,000/- as interim compensation to the complainant within 60 days from today.
3. The complainant shall undertake that he shall deposit the amount of interim compensation that will be received by him along with interest @ 6% per annum thereupon, if the accused is acquitted.
4. The complainant shall lead & conclude his evidence as early as possible.

Date:- 10.04.2026.

(S. V. Khaire)
Judicial Magistrate First Class,
Roha