

**Order below Exh.25 in S.C.C. No.597/2022**

**Sunita Sanjay Dongare**

**Vs.**

**Sunil Shankar Pawar**

This is application as per Section 138 of Negotiable Instrument Act, 1881. The learned advocate for the complainant filed the present application on 02/09/2013. On 31/07/2023, the plea of the accused was recorded. Even after giving sufficient opportunity, accused did not file his say. Hence, the present application is decided without say of the accused. Perused the application and heard the learned advocate for the complainant.

02. It will be apt to refer in the case **Vijaya V/s. Shekharappa (2002 livelaw (Kar) 82)**. In the said case, the Hon'ble High Court Karnataka laid down ratio that *“granting interim compensation as per Section 143A is discretionary power and the Court should have to record reasons while granting interim compensation as to why 20% of cheque amount is to be granted”*.

03. Considering ratio laid down in above case and wording of the Section 143A of the N.I. Act, it becomes clear that, the power to grant interim compensation is discretionary power and the Court can grant interim compensation which may vary from 1% to 20%.

04. In the present case, there are business relations in between the complainant and the accused. The accused

doing business of estate agent. The complainant gave to the accused Rs.2,30,000/- as part payment in order to purchase the land from the accused. But the accused did not execute the sale deed. Hence, the transaction taken place in between the accused and complainant was canceled. In order to pay the said amount, the accused given disputed cheque to the complainant. The said cheque was not honoured.

05. Considering above referred legal provision, facts and circumstances, it will be proper to direct the accused to deposit Rs.10,000/- (Rs. Ten Thousand only) of cheque amount as interim compensation as per Section 143A of N.I. Act. Hence, I pass following order.

**ORDER**

1. The accused is directed to deposit Rs.10,000/- (Rs. Ten Thousand only) of cheque amount in the Court without fail as interim compensation to the complainant as per Section 143A of N.I. Act.

2. If the accused failed to do so then the complainant at liberty to take appropriate action against the accused as per law.

3. The accused shall pay interim compensation of Rs.10,000/- (Rs. Ten Thousand only) of cheque amount within 60 days from the date of this order.

Sd/-

Mahad  
Date : 29/11/2023

(S.S. Patil)  
Judicial Magistrate, F.C., Mahad