

सीएनआर क्र. MHRG130000-548-2018.

Aatik Khalife Vs. Imptiyaj Khan.

Order below Exh.No.5.

01. This application is filed by the complainant for interim compensation as per Section 143-A of Negotiable Instrument Act.

02. As per the application, the present complaint is filed for dishonored of cheque of Rs.14,00,000/-. Therefore, as per above said provision he prayed to grant 20% out of total amount as compensation and he undertake to repay said amount as per bank interest in case of acquittal.

03. Accused filed say below Exh.19 and contended that cheque was not issue by him for any part consideration of any goods dispatched. Therefore, he prayed to dismiss the application.

04. Perused complaint and documents filed on record. Complaint is filed on 26.12.2018. Prima facie it is seen that accused has issued cheque of Rs.14,00,000/- to complainant. At this juncture, defence of the accused can not be taken into consideration. After considering the amount of cheque it is necessary to consider application of the complainant. The adequate protection is already there to the accused in case of acquittal. Therefore, I do not found any hurdle to compensation to the complainant. As per said provision Court can grant compensation upto 20% of the cheque amount. Complainant has

asked Rs.2,80,000/-. However, in present case as per complainant the transaction seems to be regarding credit in the business. Therefore, considering nature of business, in my opinion 10% of the cheque amount would be sufficient as a compensation. Hence, following order :-

-:- **ORDER** -:-

01. Application is allowed.
02. Accused shall pay Rs.1,40,000/- to the complainant within 60 days from today.

Shriwardhan.

(P. G. Lambe)

Dated : 13.09.2019.

Judicial Magistrate. F.C., Shriwardhan.