



Order below Exh. 17 in S.T.C. No. 43/2022
(Subhash Dhuri V/s. Vinayak Rane)

1. The complainant made the present application for issuance of direction to the accused to deposit 20% cheque amount, as provided under section 143-A of the Negotiable Instrument Act, 1881(In short “the Act”)
2. Perused the application. The complainant submitted that, the complaint is made under Section 138 of the Act. The accused appeared and denied the legal liability. Hence, the application.
3. The accused has filed his say and strongly opposed the application. It is contended that, application is false and frivolous. It is further contended that, the complainant has not added other persons i.e. Ramchnadra Bhobhate, Vijay Sawant and Manohar Chavan as accused who are party to the agreement to sale. The sale transaction between complainant and accused is doubtful. Prima facie ingredients of Sec. 143-A are not fulfilled. Provision of Sec. 143-A of N. I. Act are not mandatory. Hence, it is prayed that, application to be rejected.
4. By way of amendment, Section 143-A of the Act, is introduced to provide interim compensation to the extent of 20% of the cheque amount. The amendment made to curtail the delay in the proceeding. In view of the amendment, the accused denied the claim of the complainant, he has to pay interim compensation.
5. The accused is appeared. The particulars of offence Exh.11 is recorded. The accused declined to plead guilty and prefer

the trial. In view of the amendment, he is liable to pay interim compensation. So far as objection of accused is concerned, other persons mentioned in the application are not party to the agreement to sale. Complainant has not contended any monetary transaction with these persons except the accused. Therefore, objection raised by the accused can not be taken into consideration.

6. There is no limitation is prescribed in the amendment. Therefore, no question is arise as to expiry of limitation. In view of the observations made by *Hon'ble Bombay High Court*, in the case of *Ajay Vinodchandra Shaha V/s. State of Maharashtra {Criminal Writ Petition No. 258 of 2019, dated 6th February, 2019}* the amendment under Section 143-A and 148 of the Act, are applicable retrospectively, as discussed in Para 14 of the Judgment.

7. Considering the above discussion and the amended Section 143-A of the Act, the accused is liable to pay 20% of the cheque amount to the complainant, as interim compensation. Hence, the following order.

Order

- 1 The application is hereby allowed.
2. The accused is directed to pay 20% of the cheque amount, to the complainant or to deposit in Court, within 60 days.

Date :- 27/03/2024

(A. J. Bachulkar)
Judicial Magistrate F.C.,
Kudal.