

**S.S.C. No. 397/2021**

Krushnai Construction Prop.  
Chandrashekhar Khadapkar Vs.  
Sakharam Suresh Morajkar

**MHSI06-000829-2021****Order Below Exh.13**

(Passed on : 18/06/2025)

This application is filed by the complainant for seeking interim compensation, as Provided under Section 143(A) of the N. I. Act, for 20% of the cheque amount (in view of amendment Act of 12/08/2018) from the accused.

2. Accused has filed his say at Exh.15 and stated that, present application is false, frivolous. Further, it is stated that, he has not any legal due to complainant. Therefore, application is not maintainable. Hence, he prayed for application may kindly be rejected with cost.

3. Perused the record and application.

4. Considering the amendment in Negotiable instrument act, it gives discretion to the Court that, Court may order the drawer of the cheque to pay interim compensation to the complainant, provides, in summons cases where accused pleads not guilty to the accusation made in the complaint.

5. In present case in hand, on perusal of complaint, *prima facie* it appears that, cheques were issued by the accused on 15/06/2021 and 01/07/2021 and it was returned dishonored on 13/08/2021. Complainant under section 138 of N.I. Act are directed to be expedite as per guidelines given by the Hon'ble Supreme Court. Matter is of the year 2021. However, it appears that, this application is filed on 29/08/2023 and till date no affidavit of examination-in-chief is produced by the complainant on record. Plea of the accused

is recorded on 09.06.2023. Since then, more than 2 years lapsed. No doubt, hearing of this application should be simultaneously with trial of the case, however, complainant is not taking any efforts to expedite trial of the case. They also filed joint pursis at Exh.16 on 11.12.2024 stating possibility of compromise between the parties. However, dispute is not settled between them. Purpose of this application is to compensate the complainant during the pendency of the trial. Therefore, considering the appearance of the accused in the case, which is one of the reasons which caused delay in the matter and conduct of the complainant i.e. not taking efforts to expedite the trial. In my discretion I pass following order.

-:: **ORDER** ::-

1. Application is partly allowed.
2. Accused is directed to pay 5% of the cheque amount to the complainant as interim compensation, within the period of 60 days from the date of the order and same will be taken into consideration at the time of imposing fine or amount of compensation after conclusion of the trial.
3. The complainant to give undertaking that in case of acquittal of the accused, the complainant would repay the said amount of interim compensation, if received, along with the bank interest within 60 days after such order of acquittal.
4. Both parties to take note.

(Dictated and pronounced in open Court.)

(Smt.R.G.Kumbhar)

Judicial Magistrate, First Class,

Sawantwadi.

Date:- 18/06/2025

Place:-Sawantwadi