

MHSN060007972023



S.C.C. No.454/2023

Mohan B. Mulik

V/s.

Mahaveer T. Kamble

Order Below Exh.15

This is an application made by the complainant to direct the accused to pay interim compensation to the extent of twenty percent of the amount of the cheque, as per provision under Section 143-A of the Negotiable Instruments (Amendment) Act, 2018.

02. The accused resisted the application by filing say on present application and contended that the evidence has to be come on record by recording plea. The result of the said case is likely to be in favor of the accused. The financial condition of the accused is weak. The amount demanded by the complainant is not payable by the accused. Ultimately, the accused prayed to reject the application with costs.

03. Heard the learned advocate for the complainant. The present complaint is made for the offence punishable under Section 138 of the Negotiable Instruments Act in respect of dishonour of cheque for amount of Rs.6,00,000/-. The accused appeared in the matter and pleaded not guilty to the accusation made in the complaint and now the matter is posted for adducing evidence by the complainant.

04. The Amendment Act 20 of 2018 has introduced Section 143-A with effect from 01.09.2018. Section 143-A of the Negotiable

Instruments Act inserted to act as a safeguard and protecting the interest of the payees of dishonoured cheques. The insertion of new provisions under Section 143-A aims at addressing the issue of undue delay in finality of cheques dishonour cases. It is believed that the amendment will strengthen the credibility of cheques and help trade and commerce in general.

05. The accused pleaded not guilty to the accusation made against him in the present complaint. Thus, considering the object of amendment i.e. to provide interim compensation of an amount not exceeding twenty percent of the amount of the cheque to the complainant and other aspects like proposed duration of trial, attaining finality in the proceeding and cheque amount, the application made by the complainant deserves to be allowed. Hence, following order.

ORDER

1. The application is allowed.
2. The accused is directed to pay interim compensation of twenty percent of the amount of the cheque to the complainant within sixty days from the date of this order.

Miraj
Date : 03/09/2024.

(**V. V. Khulape**)
Judicial Magistrate First Class,
Miraj

CERTIFICATE

I affirm that the contents of this P.D.F file, are same word to word, as per the original order.

Name of the Stenographer. : S. K. Jadhav, Grade-3
Court. : Jt. Civil Judge Junior
Division and J.M.F.C. Miraj

Dictation Date : 03/09/2024
Order signed by
the Presiding Officer on. : 03/09/2024

Order uploaded on. : 04/09/2024