

Order below Exh. 20 in S.C.C. No.814/2021
CNR-MHSN12-001696-2021

(Khanderao Dhanaji Jadhav V/s Somnath Jalindar Kokate)

This application filed by complainant for directing the accused to deposit interim compensation as per Section 143A of Negotiable Instruments Act, 1881.

2. By way of this application complainant prayed that, accused to be directed to deposit 20% out of Rs. 2,00,000/- as per Section 143A of Negotiable Instruments Act, 1881.

3. In spite of giving sufficient opportunity accused has not filed his say. Hence, the application proceeded without his say.

4. The Negotiable Instruments Act, 1881 is amended in 2018 and from 02/08/2018, Section 143(A) is newly inserted and provisions are made for direction to pay in interim compensation up to 20% of the amount of cheque. In the present case accused has not pleaded guilty and claimed to be tried.

5. The object of insertion of Section 143(A) of the Negotiable Instruments Act, 1881, is to increase the confidence in the mind of holder of the cheque in due course and to safeguard the bonafide litigants from delay in trial of the case. In the present case, the merits of the case can be decided after the conclusion of trial. Accused has liberty to set his defence by cross examination of complainant and by leading his evidence. Moreover, if at all after completion of trial, accused is acquitted, there is provisions for repayment of amount of interim compensation with interest at the bank rate to the accused. Therefore, no prejudice will be caused to the accused by order of interim compensation.

6. In view of Section 143(A) of The Negotiable Instruments Act, 1881, I proceed to pass the following order.

ORDER

1. Accused shall pay Rs. 40,000/- (Rs. Forty Thousands Only) as interim compensation to complainant within 60 days as per Section 143(A)(3) of The Negotiable Instruments Act, 1881, from the date of this order.
2. If the accused is acquitted of the offence, the complainant shall repay this amount of interim compensation along with interest at the rate of 6% p.a.
3. Accused to take note of the above order.

Date : 07/01/2023
Place : Palus

(I. A. Y. A. Khan)
Judicial Magistrate, F.C., Palus

CERTIFICATE

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

Name of Stenographer : Mrs. S. V. Kadam
Stenographer Grade III

Court : Jt. C.J.J.D. & J.M.F.C., Palus

Date : 07/01/2023

Signed by P. O. on : 07/01/2023

Uploaded on : 09/01/2023