

MHSO1400-1719-2022	S.C.C.778/2022 Central Bank of India Vs. Dada Soma Waghmode
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**ORDER BELOW EXH. No.14**

- 1) The present application is filed by the complainant for claiming interim compensation u/s 143-A of Negotiable Instrument Act.
- 2) By way of present application complainant contented that, as per the provision of section 143-A of N.I. Act the court trying an offence under section 138 may order the drawer of the cheque to pay interim compensation to the complainant. Complainant is seeking interim compensation as accused has dishonor the Cheque given by him vide discharging his legal debts. Hence complainant is prayed to Hon'ble court that pleased to be allow the said application. The accused pleaded not guilty. Since, 06/01/2024 the matter is pending on the stage of evidence of the complainant.
- 3) Accused has given multiple opportunity to file his say. But he has failed to file his say. Hence, application proceeded without say of accused.
- 4) Heard Ld. Advocate for complainant. After hearing and considering the documents filed on record following points arise for my determination and I record my reasons along with findings as

follows.

Sr.No	POINTS	FINDING
1.	Whether complainant entitled for the interim compensation as per the amendment in Section 143-A of the Negotiable Instrument Act ?	<b>Partly affirmative</b>
2.	What order?	<b>Application partly Allowed</b>

**AS TO POINT NO 1 & 2 :**

5) Perused the complaint and document alongwith it. Prima-facie it appears from the documents that accused has given Cheque No. 000008 of Rs. 3,99,148/- to the complainant for discharging his legal debts. The said cheque is dishonored on the ground that ***“Funds Insufficient”***. Therefore complainant has sent demand notice to the accused but after receiving the notice the accused has failed to repay the cheque amount to the complainant. Accused has not given written answer to the demand notice of the complainant. Hence complainant has filed the present complaint. Trial is at the initial stage.

6) As per the Statement of Objects and Reasons of the Bill of 2017, the Negotiable Instruments Act of 1881 is proposed to be amended with a view to address the issue of undue delay in final resolution of cheque dishonor cases so as to provide relief to payee's of dishonored cheque's and to discourage frivolous and unnecessary litigation which would save time and money.

7) Further, it was expected that the amendment will strengthen the credibility of cheque's and help trade and commerce

in general by allowing lending institutions, including banks, to continue to extend financing to the productive sectors of the economy. This Amendment, in Section 143-A is to ensure that the payee of a dishonored cheque is offered greater protection and to discourage frivolous and unnecessary litigation, saving the time and money of the litigating parties as well as of the Courts.

8) According to the discussion as above this Court has considered all relevant factors and came to the conclusion that complainant has made out prima-facie case. So at this juncture there is nothing on record to deny the entitlements of complainant for interim compensation. Therefore, I answer to point no. 1 in affirmative and in answer to point no. 2, I proceed to pass following order;

### **ORDER**

- 1) Application is partly allowed.
- 2) The accused is directed to pay 10% of cheque amount as interim compensation of Rs. 3,99,148/- to complainant.
- 3) The accused shall pay the said interim compensation within 60 days from date of this order.
- 4) If the accused failed to pay the said amount of Rs.39,915/- within 60 days of this order, complainant can take necessary legal steps .
- 5) If the complainant failed to prove his case and by judgment accused are acquitted, the complainant shall returned the amount received as compensation to the accused with interest 6% per annum within 2 months from the date of judgment.

Date : 13/03/2026

**(Smt. Gayatri S. Patil)**  
2<sup>nd</sup> Judicial Magistrate First Class,  
Barshi, Dist. Solapur.

## **CERTIFICATE**

“I affirm that the contents of this [P.D.F.](#) file Judgment/order are same word to word as per original Judgment/order”.

Name of Stenographer : **K.S. Naik (Grade III)**  
Name of the court : **Smt. Gayatri S. Patil**  
**2<sup>nd</sup> Jt. CJJD & JMFC,**  
**Barshi, Dist. Solapur.**  
Judgment/order declared on : **13/03/2026**  
Judgment/order signed  
by Presiding officer : **13/03/2026**  
Judgment/order uploaded on : **13/03/2026**