

S.C.C. No. 419/2020
Rahul Changlani .Vs.
Rajesh Motwani
CNR.No.MHWR-060007582020

Order Below Exh. 11
(Passed on 20-1-2022)

Present application is filed by the complainant for interim compensation as per section 143-A of the Negotiable Instrument Act. Perused the complaint and documents annexed with it. As per section 143-A of the Negotiable Instrument Act provision for the Protection of the interest of the payee of a dishonor cheque and to save the time of the litigation parties as well as Court. As per the amendment provision the court may order the drawer to pay interim compensation to the complainant in case of a summary trial where the drawer does not plead guilty to the offence.

2) Heard learned advocate Shri R. S. Dumbare for complainant and learned advocate Shri Bakhsh for the accused.

3) As per the provision of Section 143-A of the Negotiable Instrument Act, the quantum of the interim compensation shall not exceed 20% of the total cheque amount. Record shows that accused pleaded not guilty vide particular of offence recorded at Exh. 10 dt. 10-12-2021 and the cheque amount involved in the case is of Rs.3,00,000/-. Hence, I pass following order.

Order

1) In view of the provision of Section 143-A of Negotiable Instrument Act the accused is directed to pay interim compensation of Rs.60,000/- to the complainant within 60 days

from the date of this order.

2) If the accused failed to pay interim compensation amount, it may be recovered as if it is a fine under Section 421 of the Code of Criminal Procedure.

Date 20-1-2022

(N. P. Deshpande)
Judicial Magistrate (F.C.),
(Court No. 3), Hinganghat