

CNR MHWR06002273-2021

Order Below Exh.13

(Passed on 04/11/2023)

The complainant filed present application for direction to the accused to deposit 20% cheque amount by virtue of Section 143A of the Negotiable Instruments Act, 1881 (in short “the Act”).

2. The complainant contended that, he filed complaint under Section 138 of the Act. As per new amendment in Sec.143-A of the Act, he is entitled to get interim compensation to the extent of 20% of the cheque amount. Hence, this application.

3. Despite of giving sufficient opportunity, the accused has not filed his say.

4. I heard both sides at length. I perused complaint, application, say and documents filed on record.

5. By way of amendment, Section 143-A of the Act, is introduced to provide interim compensation to the extent of 20% of the cheque amount. The amendment came into existence to curtail the delay in the proceeding.

6. The accused is appeared in the proceeding on 02/05/2023. On the same day, the particular vide Exh. 11 is

recorded. The accused pleaded not guilty and claimed to be tried. I perused the amendment in Sec. 143-A of the Act, the accused is liable to pay interim compensation. There is no limitation prescribed in the amendment. Therefore, no question arose as to expiry of limitation. In view of observations made by Hon'ble Bombay High Court in the case of ***Ajay Vinodchandra Shaha V/s. State of Maharashtra*** [Cri. Writ Petition No. 258 of 2019, dated 6th February, 2019], *the amendment under Section 143A and 148 of the Act, are applicable retrospectively, as discussed in Para 14 of the aforesaid judgment.*

7. Considering the above discussion and the amended Section 143-A of the Act, the accused is liable to pay 20% of the cheque amount to the complainant, as interim compensation. Hence, I pass following order :

ORDER

- 1) Application is allowed.
- 2) The accused is directed to pay 20% of the cheque amount, to complainant or to deposit in Court, within 60 days from the date of this order.

Date : 04/11/2023
Hinganghat.

(B. G. Pawar)
Judicial Magistrate First class,
(Court No.2) Hinganghat.