

MHWS100004022018

**S.C.C.No.259/2018**
The Akola Vs. Govardhan**ORDER BELOW EXH.34**
(Passed on 04/08/2026)

The present application filed by the complainant under section 143-A of the Negotiable Instruments Act (hereinafter, it is referred as 'the N. I. Act'), praying for directing the accused to deposit interim compensation of 20% of the amount of cheque.

2. The complainant contended that in the present case the accused has not plead guilty. Therefore, the complainant prayed for interim relief directing the accused to pay 20% amount of the cheque.

3. The accused filed his say below Exh.38 dated 10.04.2026, wherein, he submitted that he has not issued alleged cheque. The accused has no direct business with the complainant. The accused is having poor financial condition. Therefore, the accused prayed to reject the present application.

4. Heard Adv. Mr. A. P. Goleccha for the complainant. Also heard Adv. Mr. S. S. Magar for the accused.

5. It is pertinent to note here that section 143-A of the N.I. Act, provides,

“the Court may order the drawer of the cheque to pay interim compensation to the complainant, in a summary trial or summons case, where he pleads not guilty to the accusation made in the complaint”.

The section further provides,

“the interim compensation shall not exceed 20% of the amount of the cheque”.

6. It is apparent from the documents filed on record that the essential ingredients of section 138 of the N.I. Act are prima facie brought on record and the said section attaches criminal liability to the drawer of the cheque. The object of section 143-A of the N.I. Act is to provide relief to the payees of dishonoured cheques who get caught up in lengthy litigations and to discourage frivolous and unnecessary litigations.

7. In my view, the drawer of the cheque has to take abundant precaution prior to issuance of cheque. The complainant has prima facie shown the essential ingredients of the offence and the trial would not be concluded in near future and the very purpose of the said provision would turn futile. In the present case, the cheque issued is of rupees 51,000/- (Fifty One Thousand Only) which is a huge amount and thus, interim compensation of rupees 10,200/- (Ten Thousand Two Hundred Only) i.e. 20% of rupees 51,000/- (Fifty One Thousand Only) is reasonable. Therefore, I am of the view that it is justifiable to pass order in favour of the complainant. Therefore, I proceed to pass the following order:

ORDER

- 1) The application is allowed.
- 2) The accused is directed to pay interim compensation of rupees 10,200/- (Ten Thousand Two Hundred Only) i.e. 20% of cheque amount of rupees 51,000/- (Fifty One Thousand Only) to the complainant within 30 days from the date of this order.

(Pronounced and dictated in open court)

Date : 04/08/2026.

Mohmad Wasim Akram
S/o Mohmad Jalal Sheaikh
Judicial Magistrate First Class
(Court No.1), Malegaon.

CERTIFICATE

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

Name of Stenographer	T. R. Ugale (Grade III)
Name of Court	Shri. M. W. A. M. J. Sheaikh, C.J.J.D. & J.M.F.C., (Court No.1), Malegaon, Distt. Washim.
Date of Dictation	04/08/2026
Judgment/Order signed by the PO on	04/08/2026
Judgment /Order uploaded on	04/08/2026