

Sohan Lal VS Monika etc.

Present: Complainant with Sh. Abhishek Sharma Advocate.

Accused with Sh. Pankaj Chaudhary, Advocate.

Accused has come present today. Sh. Pankaj Chaudhary, Advocate has filed power of attorney on behalf of accused. Since the offence is bailable in nature. Thus the accused is admitted to bail on furnishing of his bail bonds and surety bond in the sum of Rs.40,000/- with one surety in the like amount. Accused has requested that she could not arrange the surety and further to permit her to furnish personal bond for today with the assurance that she shall furnish surety bonds on the next date. Request heard and allowed. Requisite personal bond furnished, which is attested and accepted.

2. Heard on notice of accusation. Finding prima facie case under Section 138 of N.I. Act, notice of accusation has been served upon the accused and contents of the notice have been read over and explained to the accused in simple Punjab language, to which the accused has pleaded not guilty and claimed trial.

3. Section 143 A of the Negotiable Instrument Act vide Negotiable Instruments (Amendment) Act 2018 has been amended which says that, "Notwithstanding anything contained in the Code of Criminal Procedure 1973, the Court trying an offence under Section 138 may order drawer of the cheque to pay interim compensation to the complainant in a summary trial or a summons case, where he pleads not guilty to the accusation made in the complaint". Sub Section 2 says that, "Interim compensation under Sub Section-1 shall not exceed 20% of the amount of the cheque and Sub Section 3 says that the interim compensation shall be

paid within 60 days from the date of order or within such further period not exceeding 30 days as may be directed by the Court on sufficient cause being shown by the drawer of the cheque”.Accordingly, as the accused has pleaded not guilty to the notice of accusation served upon him by this Court today, he is directed to pay interim compensation to the complainant i.e. 20% of the cheque amount within 60 days from the date of order. To come up on 16.03.2022 for evidence of the complainant as well as for payment of interim compensation amount. Surety bonds be also furnished on the next date of hearing.

Date of Order:25.01.2023
Deepak

(Amardeep Singh Bains), PCS
SDJM/Mukerian
UID No.PB0335