

Order dated 06.12.23

The petition filed by the Complainant dated 10.03.21 u/s 143A of the N.I. Act is taken up for hearing.

Ld. Advocates for both sides are present in Court along with their clients.

It appears that the instant case was lodged for dishonour of cheque of Rs. 14,60,000/-. This Court after considering the prima facie case of the complainant proceeded to examine the Opposite party under Section 251 CrPC on 08.02.21 and the accusations were read over and explained to him and he was informed that he was being charged u/s 138 of the N.I. Act. The accused on being asked pleaded to be not guilty.

Thereafter, the complainant filed the instant petition praying for interim compensation as per Section 143A N.I. Act.

Heard Ld. Advocate for the parties. Perused the case record. Considered.

Section 143A empowers the Court to direct the accused to pay interim compensation to the complainant upto the extent of 20% of the Cheque amount. Record reveals that during the pendency of this case and after framing of charge, the O.P./accused of this case had made payment of Rs. 2,00,000/- (Two lakhs) to the complainant by cheque and the receipt of the same was also submitted in Court on 13.03.23. The Ld. Advocate for the complainant at the time of hearing admitted that the said cheque was encashed by his client. There is nothing on record to show under what provision of law the said amount was paid and received by the parties during proceeding of the case. There is no reflection in the case record in that respect. Then then presiding officer has already been transferred. Rs. 2,00,000/- as paid by the accused to the complainant amounts to about 13.7% of the cheque amount.

As section 143A of the N.I. Act, empowers the Court to direct interim compensation upto 20% of the cheque amount, for the ends of justice, let the amount of Rs. 2,00,000/- already paid by the accused/O.P to the complainant be set off and be considered as interim compensation paid by the accused to the complainant, subject to the provision of Section 143A N.I Act.

The petition filed by the Complainant dated 10.03.21 u/s 143A of the N.I. Act is thus disposed of.

Fix 21.02.24 for evidence of the complainant.

Complainant directed to file examination in chief on affidavit.

Dictated & Corrected by me

Chief Judicial Magistrate, Asansol.

CJM, Asansol

GR 2709/21

Order dated 21.09.23

Today is fixed for appearance.

Ld. Advocate appearing for Kanti Devi, c/o Shanti Singh and Subhash Mudi S/O K.N. Mudi files an intimation report stating that the accused persons had expired.

No death certificate filed.

Let a report call for from Barabani PS in C/W Barabani PS Case no. 153/21 regarding the above named two accused persons.

The other accused person namely Dayamoy Ghosh is absent without step.

Surety is directed to produce the accused on the next date I/d necessary order.

Fix 06.11.24 for death report from PS and appearance of accused.

Let a copy of the order be sent to the Barabani PS.

Accused must be present.

Dictated & Corrected by me

Sd/-

Chief Judicial Magistrate, Asansol.

Sd/-

CJM, Asansol

Copy Forwarded to:

The Barabani PS for information.

Chief Judicial Magistrate, Asansol.