

CS – 1338 of 2023

Reg No.CS – 1338 of 2023

Order date : 05.02.2024

The record is fixed today for hearing of petition u/s 143A of the Negotiable Instrument Act.

The record is now taken up for hearing.

Heard the Ld. Advocates for both the sides.

I have carefully heard the submissions made by Ld. Lawyers appearing for the contesting parties and also perused the record carefully.

The complainant has sought an interim relief in terms of the provision of Section 143A of the Negotiable Instrument Amendment Act, 2018 in the form of a direction upon the accused to pay 20% of the amount of the cheque in question.

The Ld. Advocate for the accused person contended that the direction upon the accused person for making compensation is not a mandatory one as Section 143 of the Negotiable Instrument Act has used the word 'may'. Accordingly, it is not mandatory that the Court must not order less than 20% of the cheque amount as compensation in all cases whenever the accused has pleaded not guilty.

The petition u/s 143A of N.I Act is hereby considered and allowed.

The amount mentioned in the impugned cheque is Rs.3,50,000/-.

The accused is hereby directed to pay an amount of Rs.15,000/- (Rupees Fifteen Thousand only) as interim compensation to the complainant within 30 days without fail, from the date of this order subject to the provision of Section 143A (4) of the N.I Act failing which the complainant shall be entitled to have the shelter of the provision of Section 143A (5) of the N.I Act.

This application is thus disposed of.

To **25.06.2024** for evidence.

D/C by me

M.M. 3rd Court, Calcutta

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