

Present : Sri Sujay Sengupta (WB00650),
Ld. Sessions Judge, Nadia at Krishnagar.

Criminal Motion 53 of 2025
CNR No.- WBND010043272025
R. No.- 53/25

Ratan Sarkar

Petitioner

Vs.

Pradip Kumar Chetlangia
State of West Bengal

Opposite party No.1
Opposite party No.2

Order No. 07, dated – 24.06.2026.

Parties file hazira.

Today is fixed for admission hearing.

L.C.R received.

Heard both sides.

Present Revisional Application has been preferred under Section 438/440 of the BNSS, arising out of the impugned order dated 06.08.2025, in connection with Complaint Case No. 503 of 2023, passed by the Ld. Judicial Magistrate, 6th Court, Krishnagar, Nadia, in a proceeding under Section 138 of N.I Act.

It is evident that the cheque amount is Rs.7,00,000/- and the Ld. Magistrate on 06.08.2025, has been pleased to pass an order under Section 143A of the N.I Act on the basis of the prayer of the complainant and directed the revisionist hereof to pay interim compensation of Rs.49,000/- only @ 7% within 60 days from the date of that order.

The contention of the Ld. Advocate for the revisionist is that suppressing the fact that three civil suits are pending over the issue, the case under Section 138 N.I Act has been preferred by the complainant and the Ld. Magistrate did not apply his mind while passing such order. It is submitted further without perusing the documents and written objection the impugned order has been passed.

Contd.....

Criminal Motion 53 of 2025

Contd.....Order No. 07, dated – 24.06.2026.

It is the view of the Ld. Advocate for the revisionist that when civil suits are pending, then the Ld. Magistrate has committed a serious mistake by not considering the fact that the matter is subjudice. By way of argument it is also submitted that the cheque in question is forged and fabricated one.

On the other hand, Ld. Advocate appearing on behalf of the respondent / opposite party contended that the impugned order was passed on 06.08.2025, and the revisionist filed an application on 06.11.2025, before the Ld. Magistrate, challenging the signature on the cheque.

It is submitted also that as per statutory direction, the case under Section 138 of the N.I Act, should be completed within six months but till this day trial has not started.

It is submitted further that as per provision of Section 143A of the N.I Act, a compensation of 20% of the cheque amount ought to have been passed by the Ld. Magistrate.

As per provision of Section 143A of the N.I Act, it is the discretion of the Ld. Magistrate to pass such order but while exercising such power, it must be done judiciously, particularly when compensation is ordered, speaking order must be passed.

I do not find any germen or substance in the submission of the Ld. Advocate for the revisionist as per guideline given by the Hon'ble Supreme Court in **Criminal Appeal No. 741 of 2024 (Rakesh Ranjan Srivastava versus The State of Jharkhand and another)**.

The plea taken by the revisionist regarding genuineness of the cheque or its signature does not come within the guideline as given by the Hon'ble Apex Court, in said Criminal Appeal No.741 of 2024. In paragraph No.19 of the said decision, five guidelines have been given to pass an order under Section 143A of the N.I Act including the question of financial condition of the accused, *prima-facie* case and other relevant factors.

Contd.....

Criminal Motion 53 of 2025

Contd.....Order No. 07, dated – 24.06.2026.

On perusal of the order-sheet and materials available in the record I find that revisionist / accused surrendered before the Ld. Magistrate on 26.02.2024 and bail was offered to him. Thereafter, the Ld. Magistrate fixed the date for plea and on 26.11.2024, accused / revisionist was examined under Section 251 of the Cr.P.C when he pleaded not guilty by saying “NIRDOSH”.

On 19.02.2025, the complainant filed an application under Section 143A of the N.I Act and on 06.08.2025, the impugned order was passed.

On perusal of the materials available, I find that the Learned Trial Court had not acted beyond the jurisdiction vested in it. Besides, it appears that taking into account the cheque amount, Learned Magistrate awarded the amount for payment is not also too much high and sixty days time was also allowed by the Learned Magistrate for compliance of such order. From the submission placed, it appears to this Court that the revisionist is very much aware about compliance of such order, still he has moved before this Forum which seems to me that only to procrastinate the trial, this revisional application has been preferred. Moreover, since Learned Trial Court did not act beyond its jurisdiction, I do not find any cogent ground or reason to entertain this revisional application.

Accordingly, the instant revisional application **is not admitted and dismissed accordingly.**

A copy of this order be sent to the Learned Judicial Magistrate, 6th Court, Krishnagar, Nadia, for information.

Dictated & Corrected

Sd/- Sujay Sengupta
Sessions Judge,
Nadia at Krishnagar
24.06.2026

Sd/- Sujay Sengupta
Sessions Judge,
Nadia at Krishnagar
24.06.2026