

C. 244/19

Interim Matter (S.143A of N.I.Act)

Order Dated 02/12/2023

Today is fixed for hearing of the application U/s. 143A of N.I.Act filed by the complainant on 08.03.2019 praying for directing the accused person to pay interim compensation to the tune of 20% of the cheque amount on the ground stated therein.

Both the parties are present.

The Ld. Advocate for the complainant has submitted that after receiving notice the accused person appeared in this case and pleaded not guilty and as per the provision of section 143A of the N.I Act the accused person is under obligation to pay interim compensation at the rate of 20 % of the dishonoured cheque amount. Therefore, under the above circumstances, the Ld. Advocate for the complainant has prayed for directing the accused person to pay interim compensation at the rate of 20 % of the dishonoured cheque amount to the complainant.

The Ld. Advocate for the accused person has not filed written objection in this regard and orally prays for rejecting the prayer of the complainant.

Heard. Considered. Perused the instant application, the materials on record and the provision of sec.143A of the N.I Act.

However, after perusal of the arguments in light of the provision of law as encompassed in S.143A of the NI Act, it seems that the object of the legislation is to ensure that an otherwise legitimate complainant is not discouraged from the rigours of litigation. The language of the statute is quite clear with regard to the discretion of the Court in this regard. Furthermore, in light of the submissions of the Ld. Advocate on behalf of the complainant, I am of the considered opinion that unless the relief as encompassed in S. 143A is granted to the complainant, he would suffer great difficulties as the sum that has been claimed by him is quite substantial and he has claimed to be suffering in his business as a result of acute shortage of funds. Moreover, grant of the same would in no manner render the accused person helpless as in case the complainant is not able to ultimately establish his case, then he has further remedy available under the law.

Hence, it is,

ORDERED

that the instant application is allowed on contest in favour of the petitioner. The accused person is hereby directed to deposit 20% of the cheque values, i.e. Rs.6,00,000/- by 18/04/2024 to the account of the complainant by the next date failing which necessary orders shall be passed against him.

It appears that the complainant has not furnished his bank details in the petition. The complainant is hereby directed to furnish his bank details including IFSC Code by the next date.

To 18/04/2024 for evidence of the complainant and also submission of compliance (if any) in the meantime.

Dictated by,

ACJM.

ACJM., Bidhannagar