

C-873/2021

Order dt. 31.01.2025

Today is fixed for hearing of the petition filed by the petitioner u/s.143-A of NI Act.

Both the sides have taken steps. The submission has been heard from both the sides in respect of the petition.

This case has been filed by the complainant u/s.138 of NI Act for dishonour of one cheque which is :

Cheque no. 000019 dated 02.08.2021 amounting to Rs.1,25,000/-.

The above mentioned cheque was issued by the accused person to the complainant in connection with due payment for loan purpose. Then the complainant has sent demand notice to the accused person and after that this case has been filed and the complainant prays for interim relief for the dishonoured cheque amounts 20 per cent of the cheque amount as per provision of Section 143-A of NI Act.

The Ld. Advocate for the accused person raised objection stating that the claim of the complainant is not mandatory to be allowed, it is the discretion of the court to decide the interim compensation amount.

After hearing submissions of both the sides and perusal of relevant documents it has been found that the cheque was issued by the accused person which in prima facie established that there is pending payment of the aforesaid amount by the accused person.

Hence, it is

ORDERED

that the petition of the complainant u/s. 143-A of NI Act for interim compensation for the dishonoured cheque is hereby allowed with direction upon the accused person to pay the interim compensation of 20% of the dishonoured cheque which is amounting to **Rs.25,000/-** in favour of the complainant within next date.

Fix 07.04.2025 for payment and further order.

Dictated & Corrected by me.

J.M., Bidhannagar

J.M., Bidhannagar

J.O. Code-WB01296