

C-1209/2021

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 four cheques which are :

Cheque no. 000024 dated 22.10.2021 amounting to Rs.1,50,000/-

Cheque no. 000025 dated 02.11.2021 amounting to Rs.1,80,000/-

Cheque no. 000008 dated 02.11.2021 amounting to Rs.1,00,000/-

Cheque no. 194983 dated 02.11.2021 amounting to Rs.2,75,000/-

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

The Ld. Advocate for the accused persons 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 four cheques were issued by the accused persons which in prima facie established that there is pending payment of the aforesaid amount by the accused persons.

Hence, it is

ORDERED

that the petition of the complainant u/s. 143-A of NI Act for interim compensation for the four dishonoured cheques is hereby allowed with direction upon the accused persons to pay the interim compensation of 20% of the four dishonoured cheques which are amounting to **Rs.1,41,000/-** 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