

Order Dated 20.12.24

Today is fixed for order.

Both sides files hazira.

The matter is now taken up for passing order.

Complainant in this case has filed a petition under section 143 A of NI Act with a prayer to pass direction upon the accused to pay 20% of the cheque amount. Copy served. Objection raised. WO filed by the accused.

Ld Advocate of the complainant in his submission stated that accused has duped the complainant by issuing the said cheque and there will be no adverse impact upon the accused if the order of 20% cheque amount is directed by this court.

Ld Advocate of the accused in reply stated that complainant himself has duped the accused and this petition is filed only to harass the accused. Accused has no capacity to pay the 20% cheque amount at this stage.

Heard both sides. Perused the materials on record.

The allegations and counter allegations of the parties of this case is purely a subject matter of trial and at this stage such cannot be adjudicated without trial. Prima Facie it appears that complainant has issued the alleged cheque in favour of the complainant and if accused is ordered to pay 20% of the cheque amount at this atge then there shall be no injustice to the accused. As if the adverse is proved after trial of this case, then the complainant shall be liable to repay the said amount to the accused.

Accordingly in the light of above observation the prayer of the complainant under section 143 A NI Act is considered and allowed on contest with no order as to costs.

Accused is hereby directed to pay 20% of the cheque amount to the complainant on the next date fixed.

To 05.07.25 for payment of 20% cheque amount and evidence.

D&C by me

JM5th Barrackpore.