

C. case no. 29/2024 (Regd. no. 32/2024)

07.04.2025

Both the complainant namely, Anil Agarwal and the accused namely, Amarnath Kalindi are present by filing their respective hazira.

Today is the date fixed for passing order in respect of the petition u/s. 143-A of the N.I.Act filed by the complainant praying for interim compensation against the accused person. No written objection has been filed on behalf of the accused person in respect of the aforesaid petition.

Heard Ld. Advocate for both the parties on earlier occasion.

Perused the petition filed by the complainant u/s. 143A of N.I act and other materials on record.

It appears from the instant petition as filed by the complainant u/s. 143A N.I Act that the present complaint case has been filed by the complainant u/s. 138 of the N.I Act against the accused Amarnath Kalindi who has appeared before this court and had been subsequently enlarged on bail and on 03.10.2024 the accused person has been examined u/s. 251 of Cr.P.C and the said accused person has pleaded not guilty and had claimed to be tried in accordance with law. It further transpires from the instant petition that the same has been filed by the complainant after the insertion of section 143-A of the N.I Act by the Amending Act of 2018. Hence, the instant petition has been filed by the complainant with a prayer for a direction upon the accused for payment of interim compensation in accordance with the provision of 143A (1) of N.I. Act.

Before considering the fact as to whether the complainant is entitled to be given interim compensation as per the provisions of section 143A (1) of N.I.Act it is pertinent to traverse through the provisions of **section 143-A of N.I.Act** which provides that the Court trying and offence u/s. 138 of N.I Act may order the drawer of the cheque to pay interim compensation to the complainant- **a) in a summary trial or a summons case, where he pleads not guilty to the accusation made in the complaint b) in any other case, upon framing of charge.** The interim compensation under sub section (1) of section 143-A of the N.I. Act shall not exceed 20 % of the amount of the impugned cheque.

On application of the provisions of the section 143-A of N.I Act to the facts and circumstances of the present case, it reveals to this court that the accused person has voluntarily surrendered before this court after the present complaint case has been filed against him u/s. 138 of N.I. Act and has been enlarged on bail and subsequently, on 03.10.2024 the accused has been examined u/s. 251 of Cr.P.C and he has pleaded not guilty to the said accusation made against him in the complaint lodged under the provisions of section 138 of N.I.Act.

In view of the aforesaid facts and circumstances since the requisite condition of section 143-A of N.I Act has been duly complied with in the present case I am inclined to allow the petition as filed by the complainant under the aforesaid provisions of section 143A (2) of the act praying for interim compensation.

Hence, it is

ORDERED

that the petition u/s. 143-A of the N.I.Act filed by the complainant praying for directing the accused to pay 20 % of the cheque value as interim compensation to the complainant is hereby allowed on contest.

Accordingly, the accused person namely, Amarnath Kalindi is directed to pay to the complainant 20 % of the cheque bearing no. 027150 amounting to Rs. 4,00,000/- being Rs 80,000/- as interim compensation in terms of the provision of section 143-A (2) of the N.I.Act within 60 days from the date of passing of this order.

(2)

It is further noted in this regard that if after the conclusion of trial, the accused person is acquitted, then the complainant has to refund such amount with interest at bank rate to the accused within 60 days from the date of such acquittal in view of the provision of section 143-A (4) of the N.I.Act.

To **21.05.2025** for payment of interim compensation to the complainant and evidence.

D/C
Sd./-

Sd./-
ACJM, Raghunathpur