

Present : Sumana Garain (WB 01068)

A.C.J.M.-cum- Civil Judge (Senior Division), Kakdwip

C R 56/2022
Regd No. 56/22

(J.O. Code-WB01068)

Order dated 15-07-2026

The complainant is present by filing hazira. Accused is present by filing hazira.

Today was fixed for hearing the petition u/s 143A of NI Act filed by the complainant on 20.04.2026.

Heard both sides.

Perused the petition and materials on record.

This case is filed by the complainant against the accused for dishonour of cheque amounting to Rs. 6,00,000/- being No. 689861, dated 14.03.2022 drawn on State Bank of India, Kakdwip Branch. Said cheque was dishonoured. After that a demand notice was sent to the accused on 01.04.2022 but the accused did not repay the loan amount.

The accused appeared in this case and was examined by this court on 07.01.2026 where he pleaded not guilty.

The complainant has filed this petition u/s 143A of NI Act on 20.04.2026 for interim compensation to the tune of 20% of the cheque amount.

Ld advocate for the accused raised strong objection on the ground that in the return memo it is mentioned that the accused refused to issue the cheque for which the cheque was dishonoured. Ld advocate placed his reliance upon a judgment of Hon'ble High Court, Allahabad passed in Anubhav Vs State of UP and another (Application u/s. 482 No. 19412 of 2024).

On perusal it prima facie appears that the demand notice of the complainant was served upon the accused as reveals from the track result that the accused has not made any reply of such demand notice against the claim of the complainant. Moreover the bank authority has not disputed the signature of the accused put in the cheque.

On the other Ld advocate for the complainant submitted that the signature of the accused on the cheque is not denied by the accused nor he brought any allegation of stealing in his cheque from his custody and so the complainant is entitled to get order as per section 143A of NI Act.

In Rajesh Soni V. Mukesh Verma { 2021(7) TMR 386- Chhattisgarh High Court } it was held by Hon'ble High Court in the present case that granting of 20% compensation u/s 143A of the NI Act 1881 is totally valid as the said provision is not discretionary in nature. The Hon'ble Court was pleased to observed that the word ' may' be treated as 'shall' and it is not discretionary but of directory.

In the light of the above observation I am inclined to allow the petition of the complainant u/s 143A of NI Act, dated 20.04.2026.

The accused Duti Sundar Patra is directed to pay to the complainant 20% of the cheque amounting Rs. 6,00,000/- being No. 689861, dated 14.03.2022 drawn on State Bank of India, Kakdwip Branch within 60 days from this date of order failing which the complainant is entitled to recover the same as provision of 143A (5) of NI Act.

To 12.10.2026 for evidence.

D/C by me.

Sd/-
ACJM-cum-CJSD, Kakdwip

Sd/-
ACJM-cum-CJSD, Kakdwip

Later:

In compliance of Memo No. 192/SDLSC/Kakdwip dated 14.07.2026 I am inclined to send the record to Special Lok Adalat scheduled to be held on 18.07.2026 at 4.30 pm. Ld advocate for the both parties consented to send the case record to the Lok Adalat for disposal.

Let the case record be sent to SDLSC, Kakdwip.

Sd/-
ACJM-cum-CJSD, Kakdwip