

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM (M) No. 180/2022
CrIM No. 584/2022

Mubashir Manzoor

.....Petitioner(s)

Through: Mr. Sofi Manzoor, Adv.
Vice Mr. Asif Ahmad Bhat, Adv.

V/s

Manzoor Ahmad Mir

..... Respondent(s)

Through:

CORAM:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER
26.05.2022

The petitioner has challenged order dated 11.04.2022 passed by the Chief Judicial Magistrate, Srinagar in a complaint filed by the respondent against him for offence under Section 138 of the Negotiable Instrument Act. Vide the impugned order, the petitioner has been directed to pay 20% of the cheque amount of Rs. 10.00 lacs as an interim compensation to the respondent.

It is the contention of the learned counsel for the petitioner that the learned trial Magistrate without recording the plea of the petitioner has proceeded to pass impugned order which is not in accordance with law. Learned counsel has submitted that the order of interim compensation can be passed only when the accused pleads not guilty to accusation of the offence.

There appears to be some merit in the submission made by learned counsel for the petitioner and as such a case for grant of interim indulgence is made out.

Issue notice to the respondent. Notice be sent to the respondent through process serving agency of the District Court, Srinagar.

Till next date of hearing before the Bench, the impugned order passed by the learned Magistrate shall remain stayed.

List on 25.07.2022.

(Sanjay Dhar)
Judge

SRINAGAR

26.05.2022

"Aasif"