

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>C-528 No.656 of 2026</u></p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Ramji Srivatsava, learned counsel for the applicant.</p> <p>2. The present C-528 application has been filed seeking quashing of the impugned order dated 27.02.2026 passed by the learned Judicial Magistrate/1st Additional Civil Judge (J.D.), Dehradun on an application under Section 143-A of the Negotiable Instruments Act, 1881 ("the N.I. Act") in Complaint Case No. 293 of 2023 under Section 138 of the N.I. Act. By the said order, the applicant has been directed to pay a sum of ₹14,34,200/-, being 20% of the cheque amount of ₹71,71,000/-, to the respondent within a period of 60 days. A further prayer has been made for stay of the operation and effect of the impugned order.</p> <p>3. Learned counsel for the applicant would submit that the impugned order is wholly unsustainable in the eyes of law, having been passed in a mechanical manner without due application of judicial mind; that, learned court below failed to consider whether a prima facie case under Section 138 of the N.I. Act is made out against the applicant and further failed to assess the financial capacity of the applicant to deposit the said amount.</p>

		<p>4. He has drawn attention to the Court to the application filed by the respondent under Section 143-A of the N.I. Act, learned counsel submits that no facts or material were placed on record to demonstrate that the applicant is in a position to deposit 20% of the cheque amount. Despite the absence of such pleadings or supporting material, the learned trial court proceeded to allow the application and issued the impugned direction, which is arbitrary and legally untenable.</p> <p>5. In support of his submissions, learned counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in <i>Rakesh Ranjan Shrivastava vs. State of Jharkhand & Another</i> (Criminal Appeal No. 741 of 2024), wherein it has been held that the power under Section 143-A(1) of the N.I. Act is discretionary in nature and must be exercised judiciously. The Court is required to record brief reasons reflecting consideration of all relevant factors before directing payment of interim compensation.</p> <p>6. Having heard learned counsel for the applicant and upon perusal of the material available on record, this Court finds that the submissions advanced on behalf of the applicant raise arguable issues which require consideration.</p> <p>7. Issue notice to the respondent, returnable within six weeks.</p> <p>8. Steps to be taken within one week.</p> <p>List this case immediately after service of</p>
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notice.

9. Objections, if any, be filed by the State/respondent.

10. Meanwhile, as an interim measure, it is directed that the operation and effect of the impugned order dated 27.02.2026 passed by the learned Judicial Magistrate/1st Additional Civil Judge (J.D.), Dehradun shall remain stayed till the next date of listing.

(Alok Mahra, J.)

10.04.2026

Mamta