

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11476 of 2023

Applicant :- Dharmaraj Verma

Opposite Party :- State Of U.P. Thru. Prin.Secy. Home And Another

Counsel for Applicant :- Anil Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. Present petition has been filed with the following prayer:-

"To quash the order dated 20/3/2023 passed in Criminal Case No. 636/2020 "Rohit Kumar Vs Dharmaraj Verma" pending before the Learned Additional Court Faizabad."

3. Learned counsel for the applicant submitted that learned Court below has wrongly passed the order dated 20.03.2023 by which interim order was passed in making payment of Rs. 70,800/-, which is twenty percent of the amount which was claimed by the claimant and he further submitted that the order passed by the learned court below is against the principle of natural justice as without giving any reason, the maximum twenty percent of the cheque amount has been ordered for depositing, therefore, kind indulgence of this Court is necessary.

4. Learned AGA opposed the prayer of the applicant and submitted that there is a statutory provision under Section 143A of N.I. Act that interim compensation can be awarded which shall not exceed twenty percent of the amount of cheque and he also submitted that no any reason has to be recorded by the trial Court as there is a statutory provision, therefore the petition is liable to be dismissed.

5. Considering the arguments of learned counsel for the applicant as well as that of learned AGA and going through the contents of the provision under Section 143A of N.I. Act, as the aforesaid provision clearly states that interim compensation can be awarded which shall not exceed 20 percent of the amount of the cheque, therefore this Court is of the view that there is no illegality in the order passed by the learned Trial Court.

6. The present application is mis-conceived and is **dismissed** accordingly.

Order Date :- 23.11.2023/Vipul