

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3406 of 2019
and Crl.M.P.No.2176 of 2019

G.J.Raja

... Petitioner/Accused

Vs.

Tejraj Surana
Rep. by its Power Agent
Madhan Raheja

... Respondent/Complainant

Prayer:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to set aside the order dated 14.12.2018 made in C.C.No.7171 of 2018, on the file of the Fast Track Court-II, Metropolitan Magistrate at Egmore, Chennai.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public

Prosecutor

O R D E R

This Criminal Original Petition has been filed by the petitioner seeking to set aside the order dated 14.12.2018 made in C.C.No.7171 of 2018, on the file of the Fast Track Court-II, Metropolitan Magistrate, Egmore, Chennai and thereby directed the petitioner to pay the 20% of the cheques amount as interim compensation payable to the defacto complainant on or before 14.02.2019.

2.The learned counsel for the petitioner would submit that he has got very good case to succeed in this case. There was no any legal debt or liability to be enforced against the petitioner. The learned counsel further submitted that without even any application of mind, the learned Magistrate straight away awarded the interim compensation immediately after the preliminary question and also without examination of the PW.1. Therefore, the petitioner seeks to set aside the order.

3.It is seen that as per the amended Act 143 A, the learned Magistrate passed an order dated 23.01.2019. The portion of the order is extracted hereunder:

"Both present. Accused was stated about particulars of offence. He denied. Considering the denial, this Court is of the view that the complainant shall be awarded with 20% of cheques amount as interim compensation. Hence the award for interim compensation is here by awarded that the accused shall pay a sum of Rs.7,00,000/- to the complainant as interim compensation on or before 14.02.2019. Call on by then for reporting payment and further Pws."

4.It is seen that though no guilty of the acquisition made in the complaint, the interim compensation can be awarded as per the provision under Section 143 A Sub Section 2 of the Negotiable Instruments Act. As such this Court finds no illegality or infirmity in the order passed by the learned Judicial Magistrate.

5.However, considering the facts and circumstances, the award of 20% of cheques amount for the interim compensation comes to Rs.7,00,000/-. Therefore, this Court is inclined to modify the said order by awarding compensation of 15% in each cheque amount as interim compensation payable to the defacto complainant within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

rpl/ssr

To.

The Fast Track Court-II, Metropolitan Magistrate,
Egmore, Chennai

+1cc to Mr.S.Mahan, Advocate, S.R.No. 11650

Cr1.O.P.No.3406 of 2019

SV(CO)
GN(07/03/2019)