

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Revision No.3355 of 2019

Date of Decision: January 13, 2020

Shashi Devi

...Petitioner

Versus

Amit

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajay Ghangas, Advocate,
for the petitioner.

MANOJ BAJAJ, J.

Petitioner (complainant) has filed this criminal revision to challenge the order dated 11.09.2019 passed by the Judicial Magistrate Ist Class, Panipat, whereby application filed by the complainant for issuance of direction to the accused to deposit 20% of the cheques amount as interim compensation under Section 143-A of the Negotiable Instrument Act, 1881 (for short, the Act) was declined.

Learned counsel for the petitioner has contended that the complainant had advanced a sum of ₹ 4,50,000/- to the accused to meet the domestic needs and in order to return the said amount, two cheques in question were issued by the accused which had dishonoured. He submits that in view of Section 143-A of the Act, 20% of the cheques amount deserves to be paid to the complainant as interim compensation. He contends that in reply to the said application, it was pleaded that a sum of ₹1,20,000/- was obtained by him on credit and the same was returned to the complainant.

Learned counsel has argued that the stand of the accused is clear that the complainant had advanced him the loan and, therefore, in view of Section 143-A of the Act, the interim compensation deserves to be paid to the complainant.

After hearing the learned counsel for the petitioner, this Court is of the opinion that the argument raised by the petitioner, in the facts and circumstances of the case, is without any merit. It is the stand of the accused that he obtained only a sum of ₹ 1,20,000/- and the same stood returned by him and despite that, the cheques were misused by the complainant. A perusal of the impugned order reveals that the trial Court rightly declined the prayer as the controversy between the parties can be effectively decided on the basis of evidence.

In view of the above, no ground is made out for interference with the impugned order. Resultantly, the revision is dismissed.

January 13, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No