

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, AT NAGPUR.**

**Criminal Writ Petition No. 267 of 2020**

(Prakash S/o Paramjeetsingh Bagga ..vs.. Nemichand S/o Pannalal Gupta)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Mr. A. A. Shah, Advocate for the petitioner

**CORAM : ROHIT B. DEO, J.**

**DATED : 25-01-2021**

Heard.

2. The challenge is to the order dated 26-2-2020 rendered by the learned Judicial Magistrate (First Class), Wani in S.C.C. 2529/2018 whereby the application, Exhibit 30 preferred by the complainant under Section 143-A of the Negotiable Instruments Act, 1881 (Act) is allowed and the petitioner/accused is directed to pay Rs. 40,000/-, corresponding to 20% of the cheque amount as interim compensation.

3. I do not see any error in the order impugned, much less, an error as would impel me to exercise writ jurisdiction.

4. The learned Magistrate rightly referred to the decision of the Apex Court in *G.J. Raha Vs. Tejram Surana (2019 SCC Online SC 989)*.

5. The learned Magistrate further rightly noted that the defence would ultimately be looked into after the

evidence is recorded and that the initial burden to disprove debt would be on the accused in view of the presumption under Section 139 of the Act.

6. I see no reason to interfere. The petition is dismissed.

**JUDGE**

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