

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

Criminal Writ Petition No.16 of 2022

Shri Rajesh s/o Shankarlal Jaiswal

vs.

Shri Roshan s/o Bharatsingh Dixit

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. A.R. Wagh, Advocate for the Petitioner.
 Mr. M.K. Mishra, Advocate for the Respondent.*

CORAM : VINAY JOSHI, J.
DATE : 15th JULY, 2022.

Heard.

02] The petitioner is an accused in Summary Criminal Case No.2347/2019 filed under the provisions of Section 138 of the Negotiable Instruments Act. The learned Magistrate has directed the petitioner/accused to deposit 20% of the cheque amount as an interim compensation in terms of Section 143-A of the Negotiable Instruments Act. The petitioner challenges the said order by contending that the Magistrate has erred in exercising discretionary power, as it was a case of misuse of cheque.

03] During the course of arguments, both the learned Counsel agreed that the amount of interim compensation can be brought down to the extent of 10% of the cheque amount, which they would abide.

04] In view of the above, the impugned order dated 10/11/2021 is set aside and modified to the extent of directing the petitioner to pay 10% of the cheque amount i.e.

Rs.1,20,000/- towards interim compensation. The petitioner shall deposit the said amount in trial Court within four weeks from today. The respondent-complainant is entitled to withdraw the said amount subject to obligations created in the statute.

05] The petition stands disposed of in the above terms.

JUDGE

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