

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-10843 of 2022(O&M)

Date of Decision: March 14, 2022

Deepak Saini

...Petitioner

Versus

M/s K.C.S.Diamonds

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.G.S.Sandhu, Advocate for the petitioner.

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HARINDER SINGH SIDHU, J.

Challenge herein is to the order dated 01.12.2021 passed by Ld. Judicial Magistrate Ist Class, Karnal in complaint case No.2516 of 2019 titled “M/s KCS Diamonds vs. Deepak Saini” under Section 138 and 142 of the Negotiable Instruments Act. Vide the impugned order, the Ld. Trial Court has directed the accused – petitioner to pay 20% of the cheque amount as interim compensation under Section 143A of the Act to the complainant – respondent.

Heard Ld. counsel for the petitioner.

Section 143A of the Act was inserted in the Act with effect from 01.09.2018, which reads as under:

“143A. Power to direct interim compensation.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying an offence under section 138 may order the drawer of the cheque to pay interim compensation to the complainant—

(a) in a summary trial or a summons case, where he pleads not guilty to the accusation made in the complaint; and

(b) in any other case, upon framing of charge.

- (2) The interim compensation under sub-section (1) shall not exceed twenty per cent. of the amount of the cheque.*
- (3) The interim compensation shall be paid within sixty days from the date of the order under sub-section (1), or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the drawer of the cheque.*
- (4) If the drawer of the cheque is acquitted, the Court shall direct the complainant to repay to the drawer the amount of interim compensation, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial years, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.*
- (5) The interim compensation payable under this section may be recovered as if it were a fine under section 421 of the Criminal Procedure Code, 1973 (2 of 1974).*
- (6) The amount of fine imposed under section 138 or the amount of compensation awarded under section 357 of the Criminal Procedure Code, 1973 (2 of 1974).”*

The complaint in the present case was filed after the aforesaid amendment.

Hence, there is no illegality or irregularity in the impugned order warranting interference.

Petition dismissed.

March 14, 2022

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No