

18-09-2023
Subha
Item no. 74
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3558 of 2023

M/s. Priyanti Construction and Ors.
-versus-
State of West Bengal & Anr.

Mr. Subhasish Saha
Mr. Shyamal Kumar Sinha
Mr. Mainak Chatterjee
.....for the petitioners.

Mrs. Manju Agarwal
Ms. Anju Manot
....for the complainant/pvt. opposite party.

Petitioners are aggrieved by the factum of the order dated 24th July, 2023 passed by the learned Metropolitan Magistrate, 20th court, Kolkata in connection with CS/Case No. 121633 of 2022 wherein the learned court granted interim compensation to the tune of 10% of the total cheque amount to the complainant by invoking the provisions of Section 143A of the N. I. Act.

Learned advocate for the petitioner submits that the order so passed is unjustified as the same is devoid of any reasoning. There was no reason also assigned in the prayer or the application advanced on behalf of the complainant. According to the learned advocate, Section 143A of the N. I. Act do not create any right upon the complainant for getting an interim compensation or the learned Magistrate to award an interim compensation.

Learned advocate for the complainant has also entered appearance.

I have considered the submissions of both the parties and I am of the view that in order to rebut such standard wherein Section 143A of the N. I. Act or the interim compensation should not be granted overwhelming materials are to be produced at the inception to dislodge the offence. The learned Magistrate in a case,

where the legislative intention was to grant an interim relief to the complainant by way of granting interim compensation do not have an option when facts of the case do warrant the same.

Having considered the fact that such interim compensation was granted after the examination of the accused under Section 251 of the Code of Criminal Procedure and during the trial, I am of the opinion that the judicial order adhered to the provisions of law.

The learned court would see to that the proceedings are expedited and the accused is given opportunity to rebut the evidence adduced by the prosecution.

With the aforesaid observations, the revisional application being CRR 3558 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]