

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 682 OF 2023

Jayesh s/o Kunjbihari Agrawal

Petitioner

Versus

Janak s/o Ajaysingh Warma

Respondent

Mr. Zia Ul Mustafa, Advocate for the petitioner.

**CORAM : R. M. JOSHI, J.**

**DATE : 23<sup>rd</sup> OCTOBER, 2023.**

PER COURT :

1. This petition takes exception to the order passed by learned Judicial Magistrate First Class, Aurangabad, rejecting the contention of the petitioner who is the original complainant to the effect that non-deposit of the interim compensation amount within a period of 60 days as contemplated by Section 143A of Negotiable Instruments Act takes away the right of cross-examination of the complainant by the accused. To support his submissions, he places reliance on judgment of Hon'ble Apex Court in case of Noor Mohammed vs. Khurram Pasha, **SCC OnLine SC 956**. It is his contention that in the said judgment the Hon'ble Apex Court has directed the accused to deposit the interim compensation amount.

2. Perusal of the said judgment does not show that non-payment/non-deposit of the interim compensation amount will disentitle the accused to cross-examine the complainant. Infact, the Hon'ble Apex Court has held that since the right to cross-examine the respondent was denied to the appellant, the decision rendered by the courts below suffer from an inherent infirmity and illegality. It is thus clear that it is indispensable right of the accused to cross-examine complainant and witnesses. The said right cannot be curtailed for non-payment/non-deposit of the interim compensation amount by the petitioner herein. This Court, therefore, finds no substance in the petition. Hence, petition is dismissed.

**( R. M. JOSHI )**  
**Judge**

dyb