

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-14354-2023
Date of Decision : 21.03.2023**

Jagjit Singh

..... Petitioner

Versus

Axis Bank Limited

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Ramanjeet Singh, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

Challenge in the present petition is to the order dated 16.09.2022 (Annexure P-3), passed by the learned Judicial Magistrate Ist Class, Ludhiana, vide which 10% of the total amount of cheque was ordered to be paid as interim compensation by the present petitioner to the complainant in the complaint pending before the trial Court under Section 138 of the Negotiable Instruments Act (hereinafter referred to as 'the Act'). Challenge is also to the order dated 08.02.2023 (Annexure P-4), passed by the learned Addl. Sessions Judge, Ludhiana vide which the revision petition filed against the order dated 16.09.2022 was dismissed.

The sole contention of learned counsel for the petitioner is that no reason was given by the trial Court for imposition of 10% of the cheque amount as interim compensation and further no reason was given by the Revisional Court to uphold the said order. It has been submitted that provisions of Section 143 A of the Act are directory in nature and the Courts below are supposed to give valid reasons for imposition of 10% of the cheque

amount as interim compensation. It has been submitted that the petitioner had already paid more than Rs.18,00,000/- to the complainant and imposition of 10% of the cheque amount as interim compensation will unnecessarily put a burden on the petitioner.

I have considered the submissions made by learned counsel for the petitioner but am unable to agree with the same. The trial Court relied upon the judgment of the Hon'ble Apex Court in the case of G.J.Raja vs. Tejraj Surana 2019 (3) R.C.R. (Criminal 959) while coming to the conclusion that 10% of the cheque amount deserved to be paid as interim compensation. The trial Court discussed the provisions of Section 143A of the Act as also the judgment of the Hon'ble Apex Court. The trial Court also discussed the facts of the case and thereafter came to the conclusion that 10% of the cheque amount deserved to be paid as interim compensation to the complainant. The revisional Court also discussed the matter in detail and dismissed the revision petition.

This Court does not find any special circumstances to exercise jurisdiction under Section 482 Cr.P.C. to interfere with the orders passed by the Courts below as the same are well reasoned and at this stage no further reasons would be required.

In view of the aforementioned facts and circumstances, this Court does not find any merit in the present petition and the same is hereby dismissed.

21.03.2023
mamta

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No