

05.04.2024
Serial no. 91
[G.S.D]

CRR 1355 of 2024

In the matter of : Soupal Chakraborty

... .. Petitioner

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

... for the petitioner

Mr. Das, Id. Advocate for the petitioner, is aggrieved by the order dated 22.11.2023 passed by the Id. ACJM, Birbhum, Suri in C. Case No. C 591 of 2023 in respect of the proceedings under section 138 of the N.I. Act.

The grievance of the petitioner is in relation to an order passed under section 143A of the N.I. Act, wherein the Id. Magistrate directed to pay the amount of Rs.1 lakh to the complainant by way of interim compensation.

I find that the case is of the year 2023 and the order under section 143A of the N.I. Act was passed on 22.11.2023 i.e., in the same year.

Having regard to the fact that the proceedings are progressing smoothly, I direct the Id. Magistrate to reconsider the order passed under section 143A of the N.I. Act after satisfying himself with the findings of the Hon'ble Supreme Court in paragraph 22 of the judgment *reported in*

2024 SCC Online SC 309 [Rakesh Ranjan Shrivastava v. State of Jharkhand].

The petitioner is directed to communicate this order to the Id. Trial court and the Id. Trial court within a period of 15 days from the next date so fixed would comply with the directions made above.

Needless to state that this court has only directed to consider the parameters which have been set out for granting the interim compensation as has been held by the Hon'ble Supreme Court. It would be the absolute discretion of the court to arrive at its finding independently. Till the Id. Magistrate arrives at a fresh finding, the order dated 22.11.2023 would be stayed.

With the aforesaid observations CRR 1355 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)