

D/L154
18.04.2024
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C.R.R.1550 of 2024

In Re: An application under Section 482 of the Code of Criminal Procedure;

Md. Irshad Hussain
Versus
The State of West Bengal and another

Mr. Surya Prakash Sharma
Mr. Md. Naushad Hussain.
...for the petitioner.

Petitioner is aggrieved by the order dated 09.11.2023 passed by the learned Metropolitan Magistrate, 11th Court, Calcutta. The said order was in respect of interim compensation of a cheque of Rs.2,00,000/- for which the case under Section 138 of the Negotiable Instruments Act being CNS 359 of 2022 was proceeded with.

Learned advocate appearing for the petitioner has canvassed the issues regarding the cheque being obtained deceitfully.

The same is a question of fact not to be considered at this stage. So far as the provisions of Section 143A of the Negotiable Instruments is concerned, the same was incorporated by the legislature for the purpose of some respite to a litigant who has come to a court of law after the cheque has been dishonoured and time is consumed for progress of the case.

The present case was instituted in the year 2022. Till date, the evidence of the case has not initiated.

Having considered that learned Magistrate after

examination under Section 251 of the Code of Criminal Procedure has directed for interim compensation to the limited extent of 10% of the cheque amount, I am not inclined to interfere with the impugned order. So far as the other issues are concerned relating to the facts of the case, petitioner would be at liberty to canvass the same at the time of trial and final arguments of the case.

With the aforesaid observations, CRR 1550 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)