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47-WP-222-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 CRIMINAL WRIT PETITION NO. 222 OF 2025

Vishwasrao Sitaram Galgate
VERSUS
Sudhanshu Kumar Roy And Another

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Mr. Chandrakant V. Thombre, Advocate for the Petitioner.
Smt. Chaitali Chaudhari-Kutti, APP for Respondent-State.
Mr. Bhushan Kulkarni, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 8th AUGUST 2025.

PC :-

1. Heard the parties.
2. The petitioner original accused in the case under Section 138 of the Negotiable Instruments Act, has approached this Court challenging an order dated 21st January 2025, passed by the learned Sessions Judge rejecting Criminal Revision Application No.19 of 2024.
3. A challenge was raised to an order dated 3rd February 2024, passed by the learned JMFC, Ashti Dist. Beed, under Section 143-A of the

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Negotiable Instruments Act, directing the petitioner to deposit 20% of the amount of the cheque towards interim compensation.

4. Learned Advocate for the petitioner vehemently submits that no case was made out to direct to deposit the amount of interim compensation. There are valid defences available to the accused. The Court has not considered the merits of the matter while passing the order. The discretion vested in the Magistrate must be exercised with caution and only in deserving cases where it is necessary to direct the accused to pay interim compensation. He further submits that the learned Sessions Judge has also failed to appreciate the case of the petitioner. The judgments were not properly appreciated by the learned Sessions Judge. He thus prays for allowing the writ petition.

5. Learned Advocate Mr. Kulkarni submits that Section 143-A of the N. I. Act grants discretionary power to the Court. The very object is to avoid delays in trials. In the present case, the signature on the cheque is not disputed. The Court has rightly considered the provisions of Section

143-A and the object behind the said and has rightly passed the order. The learned Sessions Court has also given proper reason while passing the order. He submits that the Sessions Court has also considered the revision in detail and has passed an order requiring interference.

6. During the course of argument, the learned Advocate Mr. Thombre relied upon the judgment in the case of ***Rakesh Ranjan Shrivastava Vs. State of Jharkhand and Anr.***¹ The Hon'ble Apex Court in the said judgment has held that the grant of interim compensation is only directory and not mandatory. It also discussed the effect of non-payment of interim compensation. The Hon'ble Apex Court in paragraph No.7 considered that unscrupulous drawers of the cheques try to prolong the proceedings of a complaint by filing the appeals and obtaining a stay, which causes injustice to the payee of a dishonoured cheque. In such cases, the payee needs to spend considerable time and resources in court proceedings to realise the value of the cheque. When such delays are caused it compromises the sanctity of the cheque transactions and with

1 [2024] 3 S.C.R.438

this object that the provision is incorporated. The Court further held that the provision is directory.

7. This Court thus finds that as to whether the learned JMFC has rightly exercised the jurisdiction under Section 143-A of the N. I. Act? and whether the Sessions Court has rightly passed an order?. The learned JMFC, in his order, considered that the complainant is a bank and the amount was towards loan. The cheque was given for the recovery of this loan. The complaint is filed in the year 2019. Already accused has caused inordinate delay by deliberately avoiding the proceedings. It is in this view of the matter, the Court has directed to deposit the amount. This Court finds that the said reasoning is perfectly in tune with the objective behind inserting Section 143-A of the N. I. Act. The Court also considered the judgment relied upon by petitioner in the case of ***Ashwin Ashokrao Karakar Vs. Laxmikant Govind Joshi*** passed by this Court at Nagpur Bench in Writ Petition No.48/2022 on 7th July 2022. This Court has seen the order passed by the learned trial Judge. No illegality or perversity is seen in the order passed by the learned

Sessions Judge as well. This Court, therefore, finds that there is no merit in the writ petition. The writ petition, therefore, deserves to be dismissed. Hence, the following order:

ORDER

Writ Petition stands dismissed and disposed off.

[KISHORE C. SANT, J.]