

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1879 OF 2025**

Meharnigar Mahhamad Yunus Sarkazi ...Petitioner
Versus
Sadik Babaso Patil And Anr ...Respondents

Ms. Nikita Chindage i/b Mr. Nagesh Chavan for the Petitioner.
Ms. P. S. Rane, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd SEPTEMBER 2025

P.C.:

1. By this petition, the petitioner challenged the order passed passed below Exh. 15 by the 5th Judicial Magistrate, First Class, Kolhapur (for short "JMFC Kolhapur") in Sum. Criminal Case No. 2056 of 2022.

2. It is the contention of learned counsel for the Petitioner that respondent no. 1 has filed the complaint against the petitioner under section 138 of Negotiable Instruments Act, 1881 (for short "N.I.Act"). The said complaint is pending before the learned 5th JMFC, Kolhapur. The learned 5th JMFC, Kolhapur under Section 143 of N.I.Act has passed the order directing the

petitioner to pay 10% of the amount of cheque to respondent no. 1 as interim compensation, which is erroneous. She further submitted that the petitioner has a good case on merit, but this fact was not considered by the learned JMFC Kolhapur and requested to allow the Petition.

3. Learned counsel for respondent no. 1 submits that the learned JMFC Kolhapur has passed well reasoned order and no interference is required in it. Hence requested to dismiss the petition.

4. Learned APP submits that appropriate order be passed.

5. I have heard all the learned counsel. Perused the impugned order.

6. The learned 5th JMFC, Kolhapur has directed the petitioner, who is accused in the complaint filed by the respondents, to pay 10% of the amount of cheque as interim compensation, to the respondent no. 1. In my view, if the petitioner is directed to deposit the 10% amount of the cheque in the trial Court instead of paying to respondent no. 1 would suffice. Hence, I pass the following order.

ORDER

- i. The petition is dismissed and disposed off.
- ii. The petitioner shall deposit 10% of cheque amount before the trial Court.
- iii. Respondent no.1 shall not withdraw the amount deposited by the petitioner till decision of the complaint.
- iv. Learned 5th JMFC Kolhapur is requested to disposed of the pending complaint as early as possible.

[SHIVKUMAR DIGE, J.]