

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5838 OF 2025

Numerous Builders Pvt. Ltd And Ors ... Petitioners
V/s.

ACC Limited And Anr ... Respondents

Ms. Neeta Solanki with Kiran Dubey i/by Unison Legal, for the petitioners.

Mr. Tejas Vijaykumar Dhotre i/by Sachin Kanse, for the respondent no. 1.

Mr. A.D. Kamkhedkar, APP, for the State.

CORAM : N.J. JAMADAR, J.

DATE : 14TH NOVEMBER 2025

PC:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 4th April 2024 passed by the learned Magistrate, 33rd Court, Ballard Pier, Mumbai, whereby the learned Magistrate allowed the application (Exhibit-8) preferred by the complainant and thereby directed the petitioner/accused to deposit 20% of the cheque amount towards interim compensation under Section 143A of the Negotiable Instrument Act, 1881.
3. The principal grievance of the petitioner is that the petitioner was not heard, though the learned advocate for the petitioner /accused

was present before the Court on that day.

4. Without delving into the correctness of the contention of the petitioner, from the perusal of the impugned order it becomes evident that the advocate for the petitioner/accused was not heard.

5. Learned counsel for the petitioner submitted that the matter is now posted before the learned Magistrate on 18th November 2025, and, on that day, the petitioner/accused would advance submissions in the said application, if the said application is remitted back to the learned Magistrate for a fresh decision.

6. As the petitioner was not heard while passing the impugned order, this Court considers it expedient to provide an effective opportunity of hearing to the petitioner.

7. Hence, the following order:

- i) The petition stands allowed.
- ii) Impugned order dated 4th April 2024 passed on the application (Exhibit-8) stands quashed and set aside.
- iii) Application (Exhibit-8) is remitted back to the Court of the learned Magistrate for a decision afresh, after providing an effective opportunity of hearing to the parties.
- iv) The parties, especially petitioner/accused, shall remain present before the Court on 18th November

2025 in person or through advocate and advance submissions on the application (Exhibit-8) for award of interim compensation under Section 143A of Negotiable Instruments Act, 1881.

v) It is made clear that the petitioner shall not seek any adjournment for hearing on the said application (Exhibit-8).

vi) All contention of all the parties are kept open.

vii) The learned Magistrate is requested to decide the said application on its own merits and in accordance with law, as expeditiously as possible.

(N.J. JAMADAR, J)