

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.738 of 2025**

Arising Out of PS. Case No.-8464 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Aaquil Equbal S/o- Md. Equbal, Resident of Darji Mohalla, Jama Masjid,
Gola Road, P.O.- Tairpur, P.S.- Tairpur, Dist- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Md. Mahtab Alam S/o- Md. Noor Alam, R/o- Alam Lodi Katra, Garhi Par,
Near Tubaday School, PO- Khajekalan, PS- Khejekalan, Patna City, Dist-
Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ambuj Kumar Chandra, Advocate
For the State	:	Mr. Prem Kumar Jha, APP
For the OP No. 2	:	Mr. Rizwanul Jama Kha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 07-07-2026

The matter was heard *via* video conferencing mode.

2. Heard learned counsels for the parties.

3. The instant revision petition has been filed against the order dated 24.05.2025 passed by learned Additional Chief Judicial Magistrate-VII, Patna in connection with Complaint Case No. 8464(C) of 2023, whereby and whereunder the petitioner / accused was directed to make payment of 20% of the amount of money of dishonoured cheque, i.e. rupees three lakhs.

4. Learned counsel for the petitioner submits that without assessing the facts of the case properly and despite



suspicious nature of dishonoured cheque, the learned trial Court forced the petitioner to make payment of 20% of the amount which is not proper. Learned counsel further submits that the cheque contains different amount in words and in figures. In figures it mentions only rupees one lakh and fifty thousand whereas in words it is written as fifteen lakhs. It shows the suspicious nature of the cheque. Unless proof comes to the fore that the opposite party no. 2 gave rupees fifteen lakhs to the petitioner and he brings evidence in support of his claim, no order could be passed directing the petitioner to make payment of the 20% of the compensation amount. Learned counsel also submits that petitioner and opposite party no. 2 are relatives and the Court did not consider the probability of misuse of cheque by the opposite party no. 2. It appears that opposite party no. 2 somehow got a single cheque and committed a mischief by presenting the same. Therefore, the impugned order is not sustainable.

5. On the other hand, learned counsel for the opposite party no. 2 submits that the matter has become infructuous as the petitioner has already made the payment of 20% of the amount, i.e. rupees three lakhs and the trial is at its final stage. Therefore, learned counsel submits that the present



revision petition be dismissed.

6. I have perused the record.

7. Section 143(A) of the NI Act reads as under:

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying an offence under section 138 may order the drawer of the cheque to pay interim compensation to the complainant-

(a) in a summary trial or a summons case, where he pleads not guilty to the accusation made in the complaint; and

(b) in any other case, upon framing of charge.

2. The interim compensation under sub-section (1) shall not exceed twenty percent of the amount of the cheque.

3. The interim compensation shall be paid within sixty days from the date of the order under sub-section (1), or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the drawer of the cheque.

4. If the drawer of the cheque is acquitted, the Court shall direct the complainant to repay to the drawer the amount of interim compensation, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.

5. The interim compensation payable under this section may be recovered as if it were a fine under section 421 of the Code of Criminal Procedure, 1973 (2 of 1974).



6. The amount of fine imposed under section 138 or the amount of compensation awarded under section 357 of the Code of Criminal Procedure, 1973 (2 of 1974), shall be reduced by the amount paid or recovered as interim compensation under this section.”

8. The provision of Section 143(A) of NI Act allows interim compensation to the complainant provided that if the accused pleads not guilty to the accusation made in the complaint in a summary trial or summons case. The said provision also makes it clear that if the drawer of the cheque is acquitted, the Court shall direct the complainant to repay to the drawer the amount of interim compensation with interest at the bank rate as published by the Reserve Bank of India prevalent at the beginning of the relevant financial year, within 60 days from the date of the order or within further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant. So it is very much clear that the grant of interim compensation is a judicial discretion of the Court and the said compensation is to be paid on the orders of the Court by the drawer of the cheque to the complainant when he pleads not guilty to the accusation; of course in summary trial or summons case, and in any other case, upon framing of charge. Moreover, it has also been made clear that in case the drawer of the cheque is acquitted, interim compensation so



made would be repaid to the drawer on prevailing rate of interest. Therefore, the nature of the order under Section 143(A) is interlocutory and there is no finality attached to it. If the order is interlocutory, no revision is maintainable against such order. Furthermore, the petitioner has already made the payment of the interim compensation amount and now this Court would not turn the clock back. It also appears the reason for the petitioner to continue the criminal revision is only to get some favourable order from this Court to help him in the trial Court.

9. Be that as it may, as the order appears to be interlocutory and further the petitioner has already made the payment in terms of the impugned order, nothing remains in the matter and hence the present revision petition stands disposed of.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.07.2026
Transmission Date	09.07.2026

