

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 6735 OF 2025

Ashok Kumar Bhasin

..Petitioner

Versus

Swaransingh Gyansingh Sohal & anr.

...Respondents

Mr. Kuldeep Nikam (through VC), a/w Mr. Prasad Avhad, for
the Petitioner.

Mr. Vijay Upadhyay, for Respondent No. 1.

Smt. R S Tendulkar, APP for Respondent – State.

CORAM: N. J. JAMADAR, J.

DATED : 2nd APRIL 2026

ORDER :

1. Heard the learned Counsel for the parties.
2. This petition under Article 227 of the Constitution of India assails the legality, propriety and correctness of the judgment and order dated 1st April, 2025, passed by the learned Additional Sessions Judge in Criminal Revision Application No. 448/2023, whereby the revision application preferred by the Respondent No. 1 – accused against an order dated 22nd August, 2023 passed by the learned Magistrate thereby directing the accused to pay interim compensation of the amount equivalent to 20% of the amount covered by the cheque under Section 143A of the Negotiable Instruments Act, 1881 (“the N. I. Act, 1881”), came to be allowed by setting aside the said order and

remanding the application to the Court of learned Magistrate for afresh decision in the light of the judgment of the Supreme Court in the case of *Rakesh Ranjan Srivastava Vs. State of Jharkhand*¹.

3. The petitioner lodged a complaint i.e. SCC No. 3349/2019 for an offence punishable under Section 138 of the N.I. Act, 1881, with the assertions that, the Respondent No. 1 had drawn the cheque in the sum of Rs. 80,00,000/- (Rupees Eighty Lakhs) towards discharge of the debt owed to the complainant and, upon presentment, the said cheque was dishonored and despite service of notice, the Respondent No. 1 committed default in the payment of the amount covered by the cheque within the stipulated period.

4. The petitioner filed an application for grant of interim compensation under Section 143A of the N. I. Act, 1881. By an order dated 22nd August, 2023, the learned Magistrate was persuaded to allow the application and direct the Respondent No. 1 – accused to pay interim compensation in the sum of Rs. 16,00,000/- (Rupees Sixteen Lakhs).

5. The learned Additional Sessions Judge interfered with the said order observing that, the learned Magistrate had not kept

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in view the considerations which ought to weigh in the matter of grant of interim compensation, and, thus, remitted the application back to the learned Magistrate for afresh decision.

6. Having heard the learned Counsel for the parties and perused the material on record, this Court is of the considered view that, in the backdrop of the time that has elapsed since the lodging of the complaint, there is no propriety in determining the application for award of interim compensation, under Section 143A of the N. I. Act, 1881. A period of more than six years has elapsed since the lodging of the complaint. Determination of the application for interim compensation, at this stage, may entail further rounds of litigation. Instead, having regard to the pendency of the proceedings, the age of the parties and the mandate of the provisions contained in Section 143(3) of the N. I. Act, 1881, it would be expedient that the complaint itself is decided as expeditiously as possible. The Court is informed that, the plea of the accused has already been recorded. Mr. Upadhyay, the learned Counsel for Respondent No. 1 – accused submitted that, the accused is not averse to an expeditious conclusion of the trial in SCC No. 3349/2019 and would render the necessary cooperation for its expeditious conclusion.

7. The Writ Petition thus stands disposed with a request to the learned Magistrate seized with complaint SCC No. 3349/2019 to hear and decide the said complaint as expeditiously as possible and, preferably, within a period of four months from the next scheduled listing of the said complaint, in accordance with law.

8. The parties shall cooperate with the learned Magistrate in the expeditious conclusion of the trial in the said complaint and shall not seek unnecessary adjournments.

[N. J. JAMADAR, J.]