



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY :**  
**NAGPUR BENCH : NAGPUR.**

**CRIMINAL WRIT PETITION No. 713/2025.**

1.Vinod s/o Mahadeo Zhalte,  
Aged about 47 years, Occupation  
Agriculturist,

2.Mahadeo s/o Haribhau Zhalte,  
Aged about 82 years, Occupation  
Agriculturist.

Both Petitioner Nos.1 and 2 residents  
of Dadulagaon, Tahsil Jalgaon Jamod,  
District Buldhana.

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**PETITIONERS.**

**VERSUS**

Kalpana w/o Kashinath Jadhav,  
Aged about 50 years, Occupation  
Housewife, resident of Gopal Nagar,  
Khamgaon, Tahsil Khamgaon,  
District Buldhana.

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**RESPONDENT.**

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Mr. V. Zadokar, Advocate for Petitioners.  
Mr. N.R. Tekade, Advocate for the Respondent.  
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CORAM : M.M. NERLIKAR, J.

DATE : MARCH 18, 2026.

ORAL JUDGMENT :

Heard. Rule. Rule is made returnable forthwith, and by consent of learned Counsel for the parties, the matter is taken up for final disposal.

2. By this petition, the petitioners are challenging the order passed by the learned Judicial Magistrate, First Class, Court No.3, Khamgaon in Summary Criminal Case No.2004/2023 on 10.03.2025, whereby the application filed by the respondent under Section 143-A of the Negotiable Instruments Act came to be allowed.

3. With the able assistance of both the learned Counsel I have gone through the impugned order. Perusal thereof shows that the ratio laid down by the Hon'ble Supreme Court in case of **Rajesh**

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**Ranjan Shirivastava .vrs. State of Jharkhand and another – (2024) 4 SCC 419**, has not been taken into consideration. The Supreme Court has in specific words held that what should be the parameters before deciding the application for interim compensation under Section 143-A of the Negotiable Instruments Act. The following are the parameters which are laid down by the Supreme Court in paragraph no.27.3 :

*“27.3.1. The Court will have to prima facie evaluate the merits of the case made out by the complainant and the merits of the defence pleaded by the accused in the reply to the application. The financial distress of the accused also be a consideration.*

*27.3.2. A direction to pay interim compensation can be issued, only if the complainant makes out a prima facie case.*

*27.3.3. If the defence of the accused is found to be prima facie plausible, the court may exercise discretion in refusing to grant interim compensation.*

*27.3.4. If the court concludes that a case is made out to grant interim compensation, it will also have to apply its mind to the quantum of interim compensation to be granted. While doing so, the court will have to consider several factors such as the nature of*

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*transaction, the relationship, if any, between the accused and the complainant, etc.*

*27.3.5. There could be several other relevant factors in the peculiar facts of a given case, which cannot be exhaustively stated. The parameters stated above are not exhaustive.”*

3. Considering the exposition of law laid down by the Supreme Court, I do not find any consideration of above parameters in the impugned order. In this view of the matter, I am inclined to allow the petition by remanding the same back to the Court below for fresh decision in view of the aforesaid parameters. Hence, the following order.

**ORDER**

- (i) Criminal Writ Petition is allowed and disposed of.
- (ii) The order passed by the learned Judicial Magistrate, First Class, Court No.3, Khamgaon in Summary Criminal Case No.2004/2023 on 10.03.2025, is hereby quashed and set aside. The matter is remanded back to the said Court for passing fresh order, taking

Rgd.

into consideration the ratio laid down by the Supreme Court as stated in the body of this order.

- (iii) The learned Judicial Magistrate to grant an opportunity of hearing to both sides and also grant them opportunity to place on record certain documents, if they so desire.
- (iv) Rule is made absolute in aforesaid terms with no order as to costs.

**JUDGE**