



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

CRIMINAL WRIT PETITION NO.36/2026

Anjali D/o Vinayakrao Kadam @ Anjali W/o
Arjun Shahane,
aged 35 yrs., Occ. Business, (Proprietor of
M/s. Prestige Realtors),
R/o. Plot No.95, 96 Vinayak Society,
Vitthalwadi, near Sankatmochan Hanuman
Mandir, in front of Samruddhi Daily Needs,
Hudkeshwar Road, Nagpur – 440034.

...PETITIONER

VERSUS

Kavita w/o Moreshwar Sor,
Aged 50 yrs, Occ. Business,
R/o. 473, Mahalaxmi Bhawan,
Nehru Nagar, Tiranga Chowk,
Nagpur – 440 009 through
her power of attorney holder
Shri Moreshwar S/o Chintaman
Sor.

...RESPONDENT

Mr. R. Bandhe, Advocate for petitioner.
Mr. Roshan Kothari, Advocate for respondent.

CORAM : **M. M. NERLIKAR, J.**

DATE : **17.03.2026**

ORAL JUDGMENT :

Heard.

2. By this writ petition, the petitioner is challenging the order dated 04/10/2025 passed the by 26th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, at Nagpur under Section 143-A of the Negotiable Instruments Act (“NI” Act), whereby it was directed to the accused/petitioner to deposit interim compensation of an amount of 20% of value of cheque i.e. Rs. 9,00,000/- within 60 days from the date of the order.

3. The learned counsel for the petitioner submits that the Trial Court has not considered the scope of Section 143-A of the NI Act, it has dealt with Section 143-A of the NI Act as a mandatory provision and directed the petitioner to deposit 20% amount of value of cheque. The Trial Court has not considered the observations of the *Supreme Court in the case of Rakesh Ranjan Shrivastava Vs . The State of Jharkhand & anr., 2024 Supreme (SC) 229*. He further submits that the respondent herein has also filed suit for recovery of amount, and leave to defend was granted to the petitioner by the Trial Court, which order was challenged by the present respondent before this

Court and this Court has directed the petitioner to deposit amount of Rs. 25,00,000/- with the Trial Court in order to defend the said suit. He submits that accordingly the petitioner has deposited Rs. 25,00,000/- in the Trial Court. If again under Section 138 of the NI Act proceedings, 20% of value of cheque is to be deposited in the Trial Court, it would amount to double deposit and further it is difficult to deposit the same as he has already deposited Rs. 25,00,000/- in the recovery suit filed by the present respondent. Therefore, he submits that at the most 20% of value of cheque which was directed by the Trial Court to deposit under Section 143-A of the NI Act be adjusted from Rs.25,00,000/- which is already deposited in the Trial Court.

4. On the other hand, the learned counsel appearing for the respondent submits that the scope under Article 227 of the Constitution of India is limited. He submits that the impugned order was passed after hearing both the parties and there is no perversity in order. The very object of Section 143-A of the NI Act is that the trial should not be prolonged and therefore with

the aforesaid objective, the said section was inserted by the legislature. He submits that the interim compensation was granted only after consideration of the fact of depositing of Rs. 25,00,000/- in the recovery proceedings, therefore no fault can be found in the impugned order. The Trial Court is justified in directing deposit of interim compensation of an amount of 20% of value of cheque i.e. Rs. 9,00,000/- within 60 days from the date of the order and therefore, the writ petition is devoid of merits and be dismissed.

5. I have considered the rival submissions. Admittedly, it appears that out of one transaction, two proceedings are initiated by the complainant/present respondent i.e. suit for recovery of the amount and another proceedings under Section 138 of the NI Act. The Hon'ble Supreme Court in the case of ***B. Purshotama Reddy Vs. K. Sateesh, (2008) 8 SCC 505*** has considered the question as to whether the compensation amount under Section 138 of the NI Act is liable to be adjusted in the Civil Suit which was filed for recovery of some amount including the cheque amount. The Court held that the

provisions of the Act have to be given purposive interpretation and construction, the amount of compensation already recovered shall be liable to be adjusted in the decree of civil suit as per the provisions of Sub-section (5) of Section 357 of the Code of Criminal Procedure. Admittedly, it appears that Rs. 25,00,000/- was directed to be deposited in the recovery proceedings as per the order of this Court passed on 02.09.2025. When there are two offshoots arising out of the same transaction then under such circumstances, it is necessary to balance the rights of the parties.

6. Admittedly, the petitioner has deposited Rs.25,00,000/- in the recovery proceedings as per the order of this Court. The learned counsel for respondent has not disputed this fact. However, again if under Section 143-A of the NI Act, he is asked to deposit 20% of the value of cheque, it would create financial distress to the petitioner, not only that it amounts to double deposit. Taking support from the judgment in case of Purshotama Reddy (supra), I am of the considered opinion that when the amount under the cheque and the

recovery proceedings under any other provision is inter-linked, this Court has power to order adjustment. Therefore, in order to balance the interest, it is necessary to direct the Trial Court, wherein the recovery proceedings are pending to transfer Rs. 9,00,000/- from those proceedings i.e. Summary Civil Suit No.290/2024 to the proceedings filed by the respondent in Summary Criminal Case No. 4095/2024. Without observing much, the order which I have passed would not only serve the purpose of both the parties, but also is in the interest of justice.

7. In view of the above, the Trial Court is directed to transfer the amount i.e. Rs. 9,00,000/, from the amount which was directed to be deposited by this Court vide order dated 02/09/2025 in Writ Petition No.1590/2025 in the recovery proceedings in Summary Civil Suit No.290/2024 to the proceedings pending in Summary Criminal Case No.4095/2024 in compliance of the impugned order.

8. With the above observations the petition is disposed of.

(M. M. NERLIKAR , J.)

Gohane