



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 8181 OF 2019

BETWEEN:

SRI M CHANDRASEKHAR
AGED ABOUT 54 YEARS,
S/O PULLAMMA RAJU
R/AT NO. 987, D BLOCK,
SHASHAKARANAGAR
BENGALURU - 560 092.

...PETITIONER

(BY SRI K.K.VASANTH, ADVOCATE)

AND:

SMT. SUMITHRA
AGED ABOUT 26 YEARS,
D/O LATE ANJINAPPA,
R/O HARIJANA COLONY,
SUNKALAMMA STREET,
YELAHANKA TOWN
BENGAURU - 560 064.

...RESPONDENT

(BY SRI V.R.BALARAJ, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO SET
ASIDE THE ORDER DATED 05.10.2019 PASSED ON THE
APPLICATION FILED BY THE PETITIONER U/S 142(b) OF N.I
ACT, IN PCR.NO.8532/2013 BY THE XII A.C.M.M., AT
BENGALURU REJECTING THE SAME AND CONSEQUENTLY



ALLOW THE SAID APPLICATION AND RESTORE THE SAME ON FILE.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order 10.05.2019 passed by XII ACMM, Bangalore, in PCR no.8532/2013 rejecting application for condonation of delay, this petition is filed.

2. Sri KK Vasanth, learned counsel for petitioner herein submitted petitioner was complainant in proceedings on a private complaint filed on cause of action of dishonour of cheque no.833798 for ₹ 50,00,000/- drawn by respondent-accused on State Bank of India, Yelahanka New Town Branch, dated 25.10.2012. As there was delay of 50 days in filing, an application for condonation was filed under Section 142(1)(b) of Negotiable Instruments Act (**NI Act**). In affidavit filed in support of application as well as in complaint it was stated that after issuance of statutory notice, accused had met complainant and requested a month's time to pay cheque amount. After



waiting for said period and on realizing that accused has adopted dilatory tactics, complaint was filed after delay, but by filing an application for condonation. It was stated that delay was not intentional, but on account of circumstances beyond control of complainant.

3. On consideration of application, trial Court passed impugned order rejecting it, consequently dismissing private complaint. Only reason assigned was that delay of 50 days was abnormal and there was no explanation for each day of delay. It was submitted that same would not be in accordance with law. While considering an application for condonation of delay, it is not quantum of delay but cause that would matter most. Though complainant had relied upon various decisions with regard to condition of delay, without referring to them trial Court dismissed application. Therefore, sought for quashing of order by allowing application and restoration of proceedings in private complaint.

4. Sri VR Balaraj, learned counsel for respondent-accused opposed petition. It was submitted that there was no proper explanation for delay. Though application was filed,



same was not accompanied with any document. It was submitted, complainant herein had in fact filed a civil suit. Therefore, filing of private complaint would be a superfluous and abuse of process and therefore dismissal was justified.

5. Heard learned counsel and perused impugned order as well as material on record.

6. This petition is by aggrieved complainant challenging order rejecting application for condonation of delay in filing private complaint for offence punishable under Section 138 of NI Act. There is no dispute that complaint was delayed by about 50 days. As rightly submitted in case of delay, it is not quantum or duration of delay but cause, whether it was for circumstances beyond control or delay was result of negligence or intentional.

7. Reason assigned in affidavit filed in support of application was that accused had approached complainant, offering to settle cheque amount and resiling from sale after seeking time. Delay of 50 days is not substantial. When accused had not filed objections against application and assertion of complainant remained uncontroverted, said cause



ought to have been considered on face value, if not liberally, as only person to suffer on account of delay would be complainant himself and no ground of prejudice urged or established by accused.

8. In view of above, impugned order dated 05.10.2019 would be contrary to spirit behind Section 142(1)(b) of NI Act. Therefore, for giving effect to provision, impugned order would warrant interference. Hence petition is **allowed**, impugned order is set aside. Application for condonation of delay is allowed. Private complaint stands restored to file.

9. Learned Magistrate is directed to proceed with matter in accordance with law. Since both parties are represented, they are directed to appear before Magistrate without awaiting notice on 27.07.2026.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 23