



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.03.2015

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM
CrI.O.P. No.3659 of 2015

P.DENISHMANI

.. Petitioner

Vs.

P.PAULDHAS

.. Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Judicial Magistrate, Padmanapapuram to take the petition to condone the delay in representation filed by the petitioner on file along with the complaint U/s.138 r/w Section 142 of Negotiable Instrument Act which was returned on 06.01.2015 by the learned Judicial Magistrate, Padmanapapuram.

For Petitioner : Mr.R.Murugan

ORDER

This petition has been filed under Section 482 Cr.P.C, praying to direct the learned Judicial Magistrate, Padmanapapuram to take the petition to condone the delay in representation filed by the petitioner on file along with the complaint U/s.138 r/w Section 142 of Negotiable Instrument Act which was returned on 06.01.2015 by the learned Judicial Magistrate, Padmanapapuram.

2. Heard the learned counsel for the petitioner/defacto complainant.

3. Considering the facts and circumstances of this case and also considering the decision of the Hon'ble Supreme Court in *DASHRATH RUPSINGH RATHOD v. STATE OF MAHARASHTRA* reported in (2014) 3 MLJ (CrI) 475 (SC) and Section 5 of the Limitation Act would apply, except when specifically excluded, this Court considers it appropriate to direct the learned Judicial Magistrate, Padmanapapuram to entertain the petition for condonation of delay in representation and pass appropriate orders on merits and proceed further in accordance with law.

4.The Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(Writs)



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To The Judicial Magistrate, Padmanapapuram.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai
(For returning the originals)

+1cc to Mr. R.Murugan, Advocate Sr.No.10947

rj2

AA/18.03.2015/2p-4c/

Crl.O.P.No.3659 of 2015
06.03.2015