

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2538 OF 2015

ORDER:

1. This Criminal Revision Case is filed by the petitioner aggrieved over the docket order dated 9.9.2015 passed in C.F.R.No.8334 of 2015 by the Additional Junior Civil Judge, Ponnur, Guntur District.
2. Originally, the petitioner filed a private complaint against the 1st respondent before the II Additional Judicial First Class Magistrate, Bhimavaram. But in view of the recent judgment of the Apex Court in **Dashrath Rupsingh Rathod Vs. State of Maharastra and another**^[1], the learned Magistrate ordered for return of the complaint to the petitioner to present the same before the Court, which is having jurisdiction. Thereafter, the petitioner failed to present the complaint within time. He presented the complaint before the Additional Junior Civil Judge, Ponnur, Guntur District along with a petition to condone the delay of 96 days in filing the complaint. The learned Additional Junior Civil Judge returned the said petition on the ground of maintainability.
3. Heard and perused the material available on record.
4. It is pertinent to note that when an application was returned by the Court on the ground of maintainability, it is always left open to the petitioner to comply with the condition or to explain as to the maintainability of the petition by way of filing another application. The Court below has jurisdiction to condone the delay occasioned in filing

the complaint under Sections 138 and 142 of the Negotiable Instruments Act.

5. In the above circumstances, the petitioner is directed to file a fresh application before the learned Additional Junior Civil Judge, Ponnur, informing about the provisions under which the Court below can condone the delay. On such application being filed by the petitioner, the learned Additional Junior Civil Judge is directed to consider the same in accordance with law and pass appropriate orders.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 30.10.2015

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