

Crl.M.P.No.11748 of 2016 in
Crl.A.Sr.No.5959 of 2016

M.VENUGOPAL, J.

Heard the Learned Counsel for the Petitioner/Appellant/
Complainant.

2.According to the Petitioner/Appellant/Complainant, he filed a private complaint under Section 200 Cr.P.C. against the Respondents in respect of an offence under Section 138 of the Negotiable Instruments Act, 1882 in C.C.No.83/2012 on the file of the trial Court.

3.It comes to be known that the trial Court, after contest, had acquitted the Respondents/Accused in C.C.No.83/2012 by means of Judgment dated 26.11.2015.

4.It transpires that the Petitioner/Appellant/Complainant had filed the 'Memorandum of Grounds of Appeal' before this Court and the concerned papers were returned by the Registry on 09.06.2016 to comply with certain defects and a time of 10 days was granted in this regard. However, the Petitioner/Appellant could not comply

with the defects in time and furthermore, the case papers were purported to have been misplaced in Petitioner's Counsel's Office and the same was traced out. In that process, there has occasioned a delay of 181 days in representing the present Criminal Appeal in Sr.No.5959 of 2016 which is neither wilful nor wanton but due to the aforesaid reasons.

5.It is to be noted that 'Delay in Representation' matter is between the Petitioner/Applicant and the concerned Court. As a matter of fact, the Respondents/Accused have no say in the matter. Viewed in that perspective, notice is not ordered.

6.Be that as it may, in view of the fact that the Petitioner/Appellant/Complainant has come with out a plea that he could not comply with the requirements as sought for by the Office of the Registry in time and also the relevant case papers were misplaced in his Counsel's Office and later on, the same being traced out, this Court, by taking a lenient and liberal view and not adopting either a pedantic approach or hyper technical approach, condones the delay of 181 days in representing the Criminal Appeal in Sr.No.5959 of 2016, subject to condition that the

Petitioner/Appellant/Complainant shall pay a sum of Rs.1,500/- (Rupees One Thousand Five Hundred Only) as costs to the Tamil Nadu State Legal Services Authority, High Court, Madras, on or before 22.11.2016, failing which, it is made clear that the Petition shall stand dismissed automatically without any further reference to this Court.

7.In fine, the Crl.M.P.No.11748 of 2016 is ordered, in above terms.

08.11.2016

Index : Yes / No

Internet : Yes / No
Sgl

M.VENUGOPAL.J,

Sgl

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