

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.12.2016

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.R.C.No.398 of 2011

V.A.Saravanan

.. Petitioner/Complainant

Vs

M.Om Prakash

.. Respondent/Accused

Revision filed under Sections 397 and 401 Cr.P.C., praying to call for the records in connection with Crl.M.P.No.5317 of 2010 in C.C.No.Unnumbered/2008 pending on the file of the learned Judicial Magistrate No.IV, Vellore, Vellore District and set aside the order dated 22.12.2010.

For Petitioner : Mr.E.Kannadasan

JUDGMENT

Challenging the order dismissing the petition filed by the petitioner under Section 5 of the Limitation Act to condone the delay of 65 days in representing the complaint, the petitioner is before this Court with this Criminal Revision.

2. The petitioner filed a private complaint under Section 138 of Negotiable Instruments Act with a delay of 387 days. The trial Court earlier condoned the delay of 387 days in filing the complaint. But subsequently when there is a delay in representing the complaint, without complying with the defects, the petitioner filed another application to condone the delay in representation. The trial Court dismissed the same on the ground that in spite of several opportunities given to the petitioner, he is dragging on the case. Challenging the above order, the revision petitioner has filed this revision before this Court.

3. I have heard the learned counsel for the revision petitioner and perused the materials available on record.

4. It is a delay of 65 days in representing the complaint and I am satisfied with the reasons stated for the delay, and the delay is condoned and the impugned order passed by the trial Court is set aside.

5. In the result, the Criminal Revision is allowed and the order dated 22.12.2010 made in CrI.M.P.No.5317 of 2010 in C.C.No.Unnumbered/2008 pending on the file of the learned Judicial Magistrate No.IV, Vellore, Vellore District is set aside. The learned Judicial Magistrate No.IV, Vellore is directed to take up complaint and proceed with in accordance with law.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mra

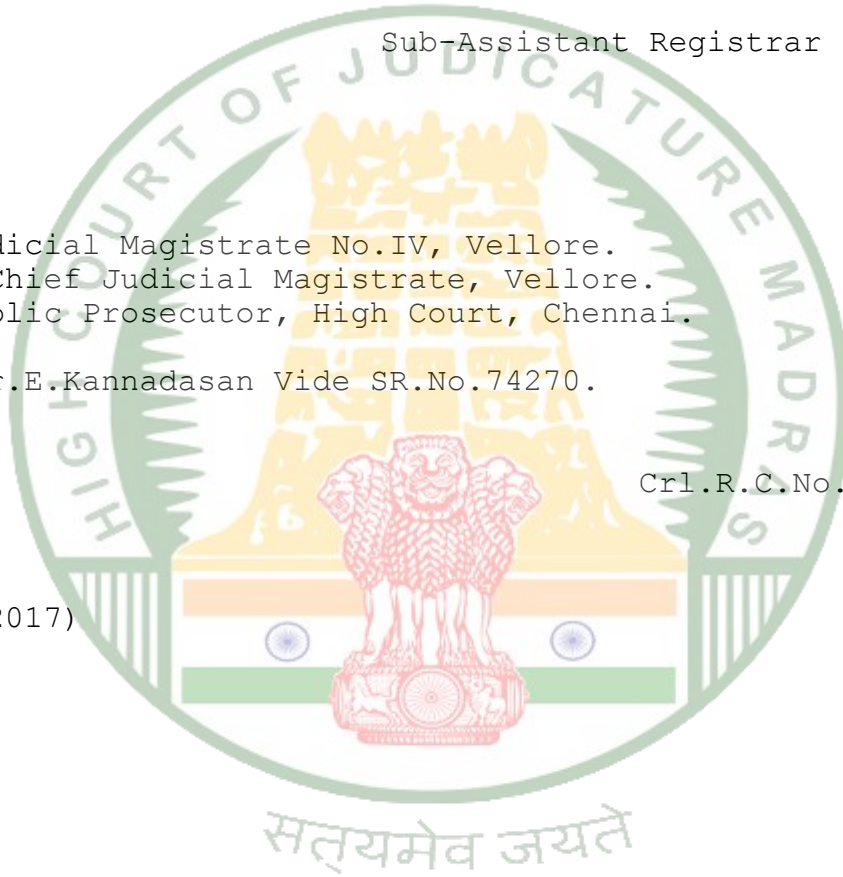
To

1. The Judicial Magistrate No.IV, Vellore.
2. Thiru Chief Judicial Magistrate, Vellore.
3. The Public Prosecutor, High Court, Chennai.

+lcc to Mr.E.Kannadasan Vide SR.No.74270.

CrI.R.C.No.398 of 2011

SKV(CO)
GN(30/01/2017)



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