



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

CRL.RC (MD) No.305 of 2016

and Crl.M.P. (MD) No.4080 of 2016

WEB COPY

1.Kasi Raja
2.M/s.Selvam Marketting,
Rep. by its Proprietor,
Mr.Kasirajan,
S/o.Jayakumar,
135, V.E. Road, Tuticorin
(South P.S. Limited)

... Petitioners / Respondents

-vs-

Mrs.Siva Sakthikala

... Respondent/Complainant

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., praying to set aside the order dated 04.04.2016 made in Crl.M.P.No.1317 of 2015 on the file of learned Judicial Magistrate, (Fast Track Court), Tuticorin.

For Petitioners

: Mr.C.Jeganathan

O R D E R

This revision arises out of the order passed by the learned Judicial Magistrate, Fast Track Court, Tuticorin, condoning the delay of 20 days caused in preferring the private complaint for an offence under Section 138 of Negotiable Instruments Act.

2.This revision is at the instance of the accused.

3.It is the contention of the learned counsel for the revision petitioner that no sufficient reason has been adduced. And nothing to substantiate the allegation that the notice issued by the previous lawyer has been misplaced. In the circumstances, the discretion exercised by the Court below is not in accordance with law.

4.I have anxiously considered the submissions of the learned counsel for the petitioner, perused the impugned order and the materials on record.

5.This matter arises out of a cheque bouncing case. The condoning of the delay is provided in the Act. In this case, there is a delay of 20 days. Fault of the lawyer has been alleged. It is the submission of the petitioner that an affidavit to that effect ought to have been filed by the Advocate, but it is not filed.



6.The delay condonation matter need not be viewed with tinged glasses. It should be considered liberally. But delay should not be condoned for a wrong doer or defaulter. It is stated in the order that reasons have been advocated for the delay. Hence, the trial Court had condoned the delay. In the said circumstances, we do not find any illegality or irregularity in the order passed by the Court below.

7.Thus this revision fails and it is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate,
Fast Track Court,
Thoothukudi.

sm:ARK-PV:SAR III:10.06.2016:2P/2C

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