

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.170 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 9.12.2015 passed in C.F.R.No.643 of 2015 by the Additional Junior Civil Judge, Bapatla.

2. The petitioner filed the above application seeking to condone the delay of 72 days in filing the complaint for the offence punishable under Sections 138 and 142 of the Negotiable Instruments against the 1st respondent. The learned Additional Junior Civil Judge returned the said application on the ground of maintainability. Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. It is the case of the petitioner that originally he filed a private complaint against the 1st respondent for the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act before the II Additional Judicial First Class Magistrate, Bhimavaram, but in view of the recent judgment of the Supreme Court, the learned Magistrate returned the complaint so as to enable the petitioner to present the same before the Court which is having jurisdiction. Due to the death of the mother of the complainant, the petitioner could not present the complaint within time before the learned Additional Junior Civil Judge, Bapatla. Therefore, he filed the application to condone the delay. There is no willful default in filing the complaint belatedly.

5. A reading of the proviso to Sections 138 and 142 of the Negotiable Instruments Act would clearly indicate that if there is any delay in presenting the complaint, the complainant can file a petition to condone the delay. In view of the same, the learned Additional Junior

Civil Judge, Bapatla is directed to entertain the above C.F.R. and pass appropriate orders after conducting due enquiry.

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

JUSTICE RAJA ELANGO

Dated: 21st January, 2016

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