

**THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**CRIMINAL PETITION No.11972 of 2015**

**ORDER:**

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the order dated 30.07.2015 in CrI.M.P.No.724 of 2015 in CrI.R.P.C.F.R.No.651 of 2015 passed by the learned District and Sessions Judge, Medak at Sangareddy.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor representing the State.

The petitioner/complainant herein filed a case under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') against the 2<sup>nd</sup> respondent/accused herein. Since there was a delay of 23 days, he filed CrI.M.P.No.1399 of 2013 seeking condonation of the same. The Judicial Magistrate of First Class, Special Mobile at Medak, dismissed the said CrI.M.P. on 19.12.2014 on the ground that the petitioner/complainant has not filed the complaint within the statutory period of 45 days after receipt of legal notice by the 2<sup>nd</sup> respondent/accused. Subsequently, the petitioner preferred revision before the Principal District and Sessions Judge, Medak at Sangareddy. Since there was a delay of 152 days in filing the revision, he filed CrI.M.P.No.724 of 2015 and the same was dismissed on 30.07.2015 on the ground of statutory period of limitation. Hence, the petitioner filed the present Criminal Petition.

It is brought to the notice of this Court that while passing the impugned order, the learned District Judge has not taken into account the proviso under Section 142(1)(b) of the Act.

In that view of the matter, the Criminal Petition is disposed of remanding the matter to the learned District and Sessions Judge,

Medak at Sangareddy, to dispose of Crl.M.P.No.724 of 2015 in Crl.R.P.C.F.R.No.651 of 2015 afresh by taking into consideration the relevant provisions of law and after hearing both sides.

Pending miscellaneous applications, if any, shall stand closed in consequence.

---

**M.S.K.JAISWAL,J**

Date: 09.06.2016  
pab