

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CRL.R.C.No.100 of 2017

K.P.Rangasamy

... Petitioner/Defacto
Complainant

Vs.

L.Kittusamy

... Respondent/Accused

Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure Code against the order dated 16.12.2016 made in C.M.P.No.7707 of 2013 on the file of the learned Judicial Magistrate, Avinashi refusing to condone the delay in filing the complaint under Section 138 of Negotiable Instrument Act.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.P.Kalimuthu

ORDER

The present revision has been preferred by the petitioner/defacto complainant against the dismissal of the petition to condone the delay of 62 days in filing a private complaint under Section 138 of the Negotiable Instrument Act. The petitioner has filed a private complaint under Section 138 of the Negotiable Instrument Act against the respondent. It is stated that the case bundle got mixed up with other papers in the counsel's office. Hence, there was a delay of 62 days in preferring the complaint. The Court below dismissed the said petition. Aggrieved over the same, the present Criminal Revision had been filed.

2. I have heard Mr.R.Prabakar, learned counsel appearing for the petitioner and Mr.P.Kalimuthu, learned counsel for the respondent.

3. Since the reason for delay that the papers got mixed up with the other papers in the counsel's office, is a bonafide reason, I am inclined to allow this revision. In the

above circumstances, the order passed by the Court below is set aside and the delay is condoned and the Court below is directed to take up the complaint on file and proceed further in accordance with law, and this Criminal Revision Case is allowed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To,

1. The Judicial Magistrate,
Avinashi.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Prabakar, Advocate Sr.17298

Cr1.R.C.No.100 of 2017

pvs[co]
srg 13/04/2017



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