

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.319 of 2017

and

Crl.M.P.No.3012 of 2017

P.Selvakumar
S/o.Selvam

... Petitioner/Accused

Vs.

C.Poongothai
W/o.Chandrasekar

... Respondent/Complainant

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate IV, Vellore, Vellore District, passed in Crl.M.P.No.1658 of 2016 in C.C.No.Nil of 2017 on 23.11.2016.

For Petitioner : Mr.M.Sathishkumar

O R D E R

This revision arises against the order of learned Judicial Magistrate IV, Vellore, Vellore District, passed in Crl.M.P.No.1658 of 2016 in C.C.No.Nil of 2017 on 23.11.2016.

2. Heard learned counsel for petitioner.

3. Learned counsel for petitioner submits that a petition seeking condonation of 83 days in preferring a complaint for offence u/s.138 of the Negotiable Instruments Act stands allowed without informing reasons. In support of his submission, learned counsel placed reliance on the judgment of this Court in *Jaya Raghavaa Colour v. Euro Impex* [2016 (1) DCR 560].

4. A perusal of the order under challenge reveals that the petitioner, who had been put on notice, was not before the Court on the date of passing the order. Though this Court agrees that the order does not inform reasons, this Court has perused the petition seeking condonation of delay and the same informs that the documents and cheque etc. were misplaced

during complainant's daughter marriage and following such marriage, there was a bereavement in the family and hence, there was a delay of 83 days in representing the complaint. Being satisfied, this Court does not find any reason to interfere with the order under challenge. This Court finds that the judgment relied upon by learned counsel for petitioner is not applicable to the facts of the present case.

The Criminal Revision Case shall stand dismissed. Connected miscellaneous petition is closed.

-sd-

Assistant Registrar

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Sub Assistant Registrar

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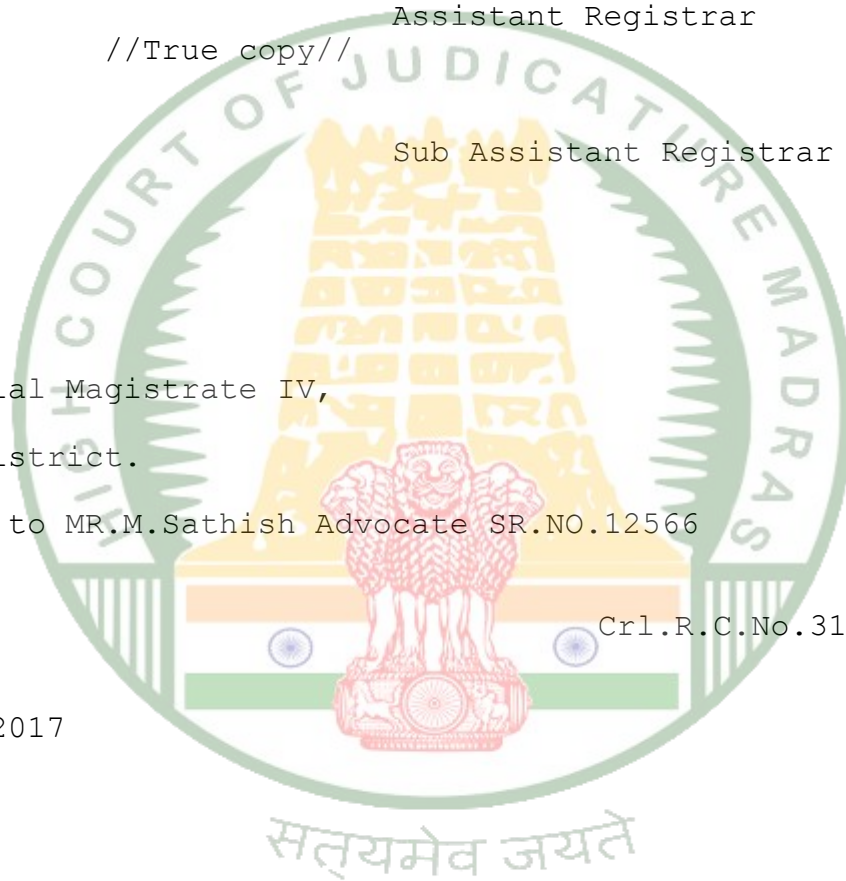
To

The Judicial Magistrate IV,
Vellore,
Vellore District.

C.C. to MR.M.Sathish Advocate SR.NO.12566

Crl.R.C.No.319 of 2017

NMI (CO)
VS 13.03.2017



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