



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C(MD).No.180 of 2017

WEB COPY

S.Rani

... Petitioner/Respondent/Accused

-Vs-

S.Chandramohan Yadav

... Respondent/Petitioner/Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to set aside the order passed in Cr.M.P.No.4049 of 2016 in unnumbered S.T.C.No. of 2016 on the file fo the Judicial Magistrate No.II, Trichy, dated 25.11.2016 and allow the Criminal Revision petition.

For Petitioner
for Respondent

: Mr.C.Vakeeswaran
: Mr.D.Selvaraj

O R D E R

Challenging the order condoning the delay of 64 days in filing the private complaint, the present Revision has been filed.

2.The respondent herein filed a private complaint against the petitioner under Section 138 of N.I Act and there was a delay of 64 days in filing and he also filed a petition to condone the delay. The lower Court condoned the delay on payment of cost of Rs.500/-. Now, challenging the same, petitioner/accused has filed the present revision.

3.I have heard Mr.C.Vakeeswaran, the learned counsel appearing for the petitioner and Mr.D.Selvaraj, the learned counsel appearing for the respondent and perused the records carefully.

4.The learned counsel appearing for the petitioner contended that the reasons stated in the affidavit filed in support of the condone delay petition is false and there is no settlement talk between the parties and making a false submission, the petitioner sought to condone the delay and the court below also mechanically allowed the application.

5.Per contra, the learned counsel appearing for the respondent submitted that in fact, there was a settlement talk between the parties. Only at the request of the petitioner/accused, the respondent delayed in filing the complaint. Since she failed to come for amicable settlement, the complaint has been filed. Hence, there is a delay of 64 days.



6.I have considered the rival submissions.

7.First of all, the delay is only 64 days in filing the complaint. On considering the materials available on record, the court below exercised its discretion by condoning the delay that too on payment of costs.

8.In the above circumstances, I find no reason to interfere with the order passed by the court below. Hence, this criminal revision case is liable to be dismissed. Accordingly, it is dismissed.

Sd/-

Assistant Registrar(Protocol)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Trichy.

2.The Chief Judicial Magistrate,
Trichy.

+1cc to Mr.C.Vakeeswaran,Advocate,SR.64285

+1cc to Mr.D.Selvaraj,Advocate,SR. 64662

VS

KK/MR KKR/SAR1/21.07.2017/2P-5C

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