

HON'BLE SRI JUSTICE T. AMARNATH GOUD

CRIMINAL PETITION No.7044 of 2011

ORDER:

This criminal petition is filed, seeking to quash order dated 21.06.2011 passed in CrI.R.P.No.80 of 2011 by the Metropolitan Sessions Judge, Hyderabad, against order dated 15.04.2011 passed in CrI.M.P.No.1912 of 2010 in CC (sr.) No.3157 of 2010 by the XVII Additional Chief Metropolitan Magistrate, Hyderabad.

The decision of the Court below in dismissing the petitions filed by the petitioner for condoning the delay of 10 days in filing complaint against the 1st respondent herein is under challenge.

Learned counsel for the petitioner relies upon Section 142 (1) (b) of the Negotiable Instruments Act. The proviso to the said section empowers the Court to take cognizance of the complaint if it is satisfied with regard to the sufficient cause for not filing application in the time stipulated. It is submitted by learned counsel for the petitioner that the Public Relations Officer who was looking after the assignment was not well-versed with the procedure and was seeking legal assistance and thus the delay was caused and the same was not wilful.

In support of his submission, learned counsel for the petitioner relied upon the following decisions for the purpose of condoning delay.

- *Ram Nath Sao @ Ram Nath Sahu and others v. Gobardhan Sao and others*¹
- *P.S. Aithala v. Ganapathy N. Hegde*² ; and
- *Orissa Rural Housing and Dev. Corpn. Ltd. V. Raj Kishore Joshi*³

¹ 2002 (3) SCC 195

² 2008 CrI.LJ. 1545

³ 2010 CrI.LJ 1766

Ordinarily the delay will not be condoned, but in the facts and circumstances of the case and in the light of the aforesaid decisions showing sufficient cause for condoning the delay, this Court is convinced.

In view of the facts and circumstances of the case and having regard to the aforesaid decisions relied upon by learned counsel for the petitioner, this Criminal Petition is allowed, by setting aside the order under challenge.

As a sequel, miscellaneous petitions if any pending stand closed.

T. AMARNATH GOUD, J

October 13, 2017
MRR

