

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO. 2211 OF 2011

ORDER:

Heard the learned counsel for the petitioner.

2. The present Criminal Revision Case is filed challenging the orders passed in M.P.No.1913 of 2010 dated 15.7.2011 on the file of the Court of the Chief Metropolitan Magistrate, Hyderabad, dismissing the petition filed for condonation of delay of 119 days in filing the complaint under Section 138 read with 142 of Negotiable Instruments Act.

3. The facts in brief are that the petitioner herein filed a complaint against respondent No.2 for the offence under Section 138 of Negotiable Instruments Act. After receipt of the statutory notice under Section 138 of Negotiable Instruments Act, respondent No.2 herein approached the petitioner and requested to forgive him and promised to make payment in a short time by falling on the feet of the petitioner and if the petitioner fails to give breathing time, respondent No.2 would run away without settling the loan amount. In those circumstances, the delay has occurred.

4. Per contra, respondent No.2 got issued a reply notice stating that the entire amount was already paid, however, the petitioner failed to return the cheques.

5. From the above it is clear that when respondent No.2 got issued a reply notice specifically stating that the cheque amount has already been paid, the question of respondent No.2 going to the petitioner and requesting him for breathing time to pay the amount, may not arise. In fact, the said reason appears to have been concocted only for the purpose of filing the complaint. The trial Court also observed that when once respondent No.2 got issued a reply notice to the effect that the entire amount is paid, the question of seeking time for repayment of the amount does not arise. In fact, the petitioner, in M.P.No.1913 of 2010 is silent about the issuance of the reply notice and the stand taken by respondent No.2.

6. In these circumstances, this Court is of the opinion that the reasons mentioned by the petitioner to condone the delay are self-serving and there is absolutely no truth in the same.

7. Therefore, there is no illegality or irregularity in the orders passed by the learned Chief Metropolitan Magistrate, Hyderabad and the Criminal Revision Case is liable to be dismissed.

8. Accordingly, Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO,J

Date: 26.9.2018

KPM

