

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.6778 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., challenging the order dated 27.09.2017 passed in Crl.R.P.No.1 of 2017 by the XII Additional District and Sessions Judge-cum-VI Additional Metropolitan Sessions Judge, Vijayawada, confirming the order dated 30.09.2016 passed in Crl.M.P.No.4150 of 2015 by the I Additional Chief Metropolitan Magistrate, Vijayawada.

2. The petitioner/complainant filed an application under Section 142-B of Negotiable Instruments Act, 1881 (for short 'the Act'), to condone delay of 69 days in presenting the complaint. The said application was dismissed on the ground that the petitioner did not make out any case much less sufficient case to condone the delay. The revisional Court confirmed the said order on the same ground. Aggrieved by the said order, the present petition is filed on the ground that both the Courts below did not consider the reasons assigned by petitioner and did not record any specific reason to refuse the condonation of delay and that the observation made by the Courts below that the petitioner should have entrusted the documents to some of its employees is not based on material on record and prayed to set aside the orders impugned by condoning the delay of 69 days in presenting the complaint.

3. The only reason assigned in the petition filed under Section 142-B of the Act is that the cheque and other papers were misplaced and as such, he could not file the complaint in time. But the said ground is not based on any record since the petitioner is a

Proprietary concern i.e., M/s. Sri Ganapathi Engineering Works engaging several employees and therefore, the question of entrusting the cheque to some other persons does not arise in normal circumstances. Even otherwise, the question of misplacing the documents, in normal course, does not arise. In the absence of any details that the cheque and other documents were traced out on a particular place and date etc., the cause shown by the petitioner cannot be accepted as 'sufficient cause' to exercise power under Section 142-B of the Act. The word 'sufficient cause' means adequate or enough reason because of some event or circumstances arising before limitation expired, if it is not possible to file complaint within time, in other words, 'sufficient cause' means, a cause which is beyond reasonable control of the petitioner. But here in this case, the cause shown by the petitioner is that the cheque and other documents were misplaced. But, it is not a cause beyond reasonable control of the petitioner. In the absence of any details as to where the cheque was traced out and on what date, the Court cannot condone the delay in filing the complaint. Therefore, taking into consideration the facts and circumstances of the case, I find no ground to interfere with the orders passed by the Courts below. Consequently, the petition is liable to be dismissed.

4. In the result, the Criminal Petition is dismissed, at the stage of admission. Miscellaneous petitions, if any, pending in this criminal petition shall stand dismissed.

M. SATYANARAYANA MURTHY, J

2nd July, 2018

sj