

HON' BLE SRI JUSTICE G. SHYAM PRASAD

CrI.R.C.No. 3014 of 2018

JUDGMENT:-

This Criminal Revision Case arises out of the Docket Order dated 12.10.2018 in CrI.M.P.No. 3820 of 2018 in C.C.(SR). No.5230 of 2018 passed by the Additional Judicial First Class Magistrate, Ramachandrapuram, East Godavari District.

Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing on behalf of the 1st respondent-State and perused the material placed on record.

The revision petitioner is the accused in C.C.(SR).No. 5230 of 2018 against whom a complaint was lodged by the 2nd respondent herein for the offence punishable under Section 142(2) of Negotiable Instruments Act. Along with the complaint, the 2nd respondent filed CrI.M.P.No. 3820 of 2018 seeking to condone the delay of 53 days in filing the complaint. The trial Court, on consideration of the material on record, allowed the petition on condition of the 2nd respondent paying costs of Rs.1,000/- . The trial Court has allowed the petition on the ground that the 2nd respondent suffered from Jaundice and took treatment of Ayurvedic

Medicine, therefore, he was unable to file the complaint within time.

The learned counsel for the petitioner submits that the 2nd respondent has not filed any poof of medical examination and diagnosis to show that he was suffering from Jaundice, and taking treatment. He has not even filed any medical certificate to that effect, therefore, there is no sufficient cause to condone the delay.

The learned Public Prosecutor submits that the trial Court, by using its discretion, has considered the delay by imposing costs of Rs.1,000/- and there is no perversity in the impugned order. The disease “Jaundice” can be treated even by Ayurvedic medicine and the 2nd respondent could not have filed medical reports, as, usually, the doctors of Ayurvedic medicine do not maintain any medical records in villages.

Having regard to the submissions made by the learned counsel for both the parties, this Court is of the view that the order passed by the learned Magistrate is a discretionary order and the same does not suffer from any perversity or illegality. The disease “Jaundice” is usually cured by Ayurvedic medicine and the 2nd respondent’s case is that he has taken Ayurvedic treatment and that the delay is only 53 days. Moreover, the petitioner has not expressed any prejudice caused to him because of the delay of 53 days in filing the complaint except

stating that there is no sufficient cause to condone the delay. The grounds raised by the petitioner to set aside the impugned docket order are not justifiable. Therefore, there are no reasons to interfere with the impugned order. However, in view of the fact that the petitioner has contended that he is put to inconvenience, the costs of Rs.1,000/- imposed by the trial Court are enhanced to Rs.3,000/-.

With the above observations, the Criminal Revision Case is disposed of.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

08.11.2018

bcj

G.SHYAM PRASAD,J

