

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.01.2019
CORAM
THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2140 of 2019

Kannan

... Petitioner

Vs.

Jagadeeshwaran

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed on 21.12.2018 in C.M.P. No.234 of 2018 by the learned Judicial Magistrate-III, Thiruppur.

For Petitioner : Mr.C.Ramkumar

O R D E R

This petition has been filed challenging the order passed by the Court below condoning the delay of 778 days in filing the complaint under Section 138 of Negotiable Instruments Act.

2.The learned counsel for the petitioner submitted that there are absolutely no reasons given in the petition for explaining the enormous delay caused for filing complaint under Section 138 of Negotiable Instruments Act. The learned counsel for the petitioner further submitted that the period of limitation can never be extended by way of an agreement between two parties. The learned counsel also submitted that the Court below has not properly appreciated the facts of the case and has mechanically chosen to allow the petition and condone the delay in filing the complaint.

3.This Court is not able to see any illegality or infirmity in the order passed by the Court below and the Court below has given sufficient reasons for condoning the delay and the Court below has also directed the respondent to pay a cost of Rs.2,000/- to the petitioner. This Court does not find any ground to interfere with the order passed by the Court below.

4.In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ia/vsg1

To:

The Judicial Magistrate No-III,
Thiruppur.

Crl.O.P.No.2140 of 2019

rrs 13/02/2019



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