

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.345 of 2019

M/s.Ultra Ready Mix Concrete Private Limited
Rep. by Perumalsamy,
Assistant Manager,
No.36-38, 11th Street, Tatabad,
Gandhipuram,
Coimbatore-641 012.
Factory Address:
No.25, Trichy Road, Kannampalayam,
Coimbatore 641 201.

... Petitioner

Vs.

K.Ramesh

... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C.,
praying to set aside the order dated 10.12.2018 made in
CMP.No.4523 of 2018 in unnumbered CC. No. of 2018 on the
file of the learned Judicial Magistrate, Fast Track Court No.II,
Coimbatore.

For Petitioner : Mr.P.Maheshkumar

O R D E R

This Criminal Revision has been filed to set aside the order
dated 10.12.2018 made in CMP.No.4523 of 2018 in unnumbered CC.
No. of 2018 on the file of the learned Judicial
Magistrate, Fast Track Court No.II, Coimbatore.

2. The revision petitioner is the complainant, he filed the
private complaint under Section 200 Cr.P.C for the offence under
Section 138 of Negotiable Instrument Act before the learned
Judicial Magistrate, Fast Track Court No.II, Coimbatore with a
delay of 201 days. The learned Magistrate dismissed the
petition on the ground that the reason for the delay is not
properly explained. As against the said order, the complainant
preferred the present revision before this Court.

3. The learned counsel for the petitioner would submit that
he presented the complaint on time before the jurisdictional

Magistrate and same was returned as per the circular dated 15.03.2017 in ROC.No.1406/A/G3, the learned Chief Judicial Magistrate directed the Judicial Magistrate not to receive any complaint under NI Act and further directed to file the complaint before the Fast Track Court No.1 @ ML No.2, Coimbatore. Subsequently, the complainant misplaced the bundle and thereafter, he traced the bundle and filed the complaint before the Fast Track Court, Coimbatore. Hence, there was a delay of 201 days in filing the complaint.

4. Heard the learned counsel for the petitioner and perused the materials on record.

5. The learned Magistrate has stated that neither Court Seal of the Judicial Magistrate No.III, Coimbatore affixed in the case bundle nor the CFR number is assigned and also no endorsement was made that the complaint has been filed within the period of limitation. There are no materials to show that the complaint was filed within the time limit. Therefore, there is no reason to interfere with the order passed by the learned Magistrate. It is the discretionary power of the Court to condone the delay. While this Court exercising the discretionary power, has to see as to whether the discretionary power is exercised by judiciously or arbitrary. When it is exercised by judiciously, this Court cannot interfere with the power exercised by the learned Magistrate concerned.

6. This Court finds no perversity or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed.

kmi

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The Judicial Magistrate,
FTC @ ML.No.2,
Coimbatore.

+1cc to Mr.P.Maheshkumar, Advocate, SR.No.32451

Cr1.R.C.No.345 of 2019

Kak (28/06/2019)