

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.19971 of 2019

T.E.Murali

..Petitioner/Appellant

Vs.

M.Solomon

..Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the Order passed in Cr.R.C.No.47 of 2018 dated 25.02.2019 by the learned VI Additional Sessions Court, Chennai and consequently set aside the Order passed in CrI.MP.No.4067 of 2017 in C.C.SR.No.2851 of 2017 dated 30.07.2017 by the learned Fast Track Court-II, Metropolitan Magistrate, Egmore at Allikulam, Chennai.

For Petitioner : M/s.S.Ambigapathi

For Respondent : Mr.R.Bharathidasan

ORDER

This Criminal Original Petition has been filed against the order passed by the Court below dismissing the petition filed to condone the delay

of 18 days in filing the complaint under Section 138 of the Negotiable Instruments Act.

2.The petitioner filed a complaint under Section 138 of the Negotiable Instruments Act, against the respondent with a delay of 18 days. The petitioner therefore filed a petition to condone the delay. Both the Courts below dismissed the petition on the ground that the petitioner has not properly explained the reason for the delay.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

4.Taking into consideration the facts and circumstances of the case and also of the fact that there was

only a delay of 18 days in filing the complaint and that the petitioner must be given a fair opportunity to prosecute the complaint on merits, the order passed by the Court below in M.P.No.4067 of 2017, dated 30.07.2019 and confirmed in Cr.RC.No.47 of 2018 dated 25.02.2019, is hereby set aside and the delay is condoned, subject to the condition that the petitioner pays a cost of Rs.1500/- to the respondent within a period of two weeks from the date of receipt of copy of this order.

5.The petitioner shall file a memo before the learned II Metropolitan Magistrate, Egmore, Allikulam, Chennai, along with the acknowledgment for the payment of cost, within the time stipulated by this Court. On filing such memo, the Court below is directed to restore the complaint on file and proceed further with the same in accordance with law.

Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

KP

To

1. VI Additional Sessions Court,
Chennai.

2.Fast Track Court -II,
Metropolitan Magistrate,
Egmore, Allikulam, Chennai.

+1cc to Mr.S.Ambigapathi, Advocate, S.R.No.69108

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Cr1.O.P.No.19971 of 2019

RV(CO)
GN(19/08/2019)