



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.03.2020
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

CrI.O.P.No. 34231 of 2019

Muthuveni

... Petitioner

Vs

M.Loganathan

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying, to set aside the order dated 13.08.2019 in CrI.M.P.No.5916 of 2018 in CA.No.Nil of 2018 on the file of before the Hon'ble Principal District Sessions Judge at Vellore.

For Petitioner : Mr.Parigopal

ORDER

This Criminal Original Petition has been filed challenging the order passed in CrI.M.P.5916 of 2018 in C.A.No.Nil of 2018 dated 13.08.2019 on the file of the Principal District Sessions Judge at Vellore, thereby, dismissing the application filed by the petitioner to condone the delay of 92 days in filing criminal appeal as against the judgment in S.T.C.No.127 of 2015 dated 27.07.2018.

2. Learned counsel for the petitioner submitted that the Trial Court though convicted the respondent for the offence punishable under Section 138 of the Negotiable Instrument Act 1881, did not order any compensation to the cheque amount. Therefore, he preferred CrI.M.P.5916 of 2018 before the First Appellate Court with a delay of 92 days in filing criminal appeal. Unfortunately, he did not appear before the First Appellate Court on the date of hearing of the condone delay petition. Therefore, his petition was dismissed for non-appearance of the petitioner herein.

3. Considering the facts and circumstances of this case, the order of the First Appellate Court in CrI.M.P.5916 of 2018, dated 13.08.2019, is set aside. The First Appellate Court is directed to pass orders on merits and in accordance with law in the condone delay petition within a period of four weeks from



the date of receipt of a copy of this order.

4. With the above direction, this criminal original petition is disposed of.

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s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

dm
To
1.The Principal District and Sessions Judge
Vellore

Crl.O.P.No. 34231 of 2019

aa02/07/2020