

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6818 of 2021

A.V.Developers

Rep.By its Propriator A.Vijayakumar,
5-B, Green Pharmacy Upstairs,
Goundampalayam Road,
Edayarpalayam, Coimbatore-641 025.

... Petitioner

Vs.

M.K.Charu Latha

... Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 27.01.2021 passed in CMP.No.324 of 2019 in Unnumbered CC.No. of 2019 on the file of the Fast Track Judicial Magistrate No.I, Coimbatore and allow the above Criminal Original Petition.

For Petitioner : Ms.N.Premalatha

O R D E R

This petition has been filed to set aside the order dated 27.01.2021 passed in CMP.No.324 of 2019 in Unnumbered CC.No. Of 2019 on the file of the Fast Track Judicial Magistrate No.I, Coimbatore and allow the above Criminal Original Petition.

2. It is seen that the petitioner has filed a complaint under Section 138 of Negotiable Instruments Act along with an application in CMP.No.324 of 2019 under Section 142(B) of NI Act to condone the delay of 17 days in filing and 118 days in representation. The said application was allowed by the trial Court, vide order dated 27.01.2019 with a condition that the petitioner has to pay a sum of Rs.1,000/- to the respondent/accused. When the above petition was taken up for hearing on 22.02.2021, the cost was not paid by the petitioner and hence, the same was dismissed. Since the condone delay petition in CMP.No.324 of 2019 was dismissed on 22.02.2021, the complaint could not be taken on file.

3. The learned counsel for the petitioner submitted that the petitioner is now ready to pay the sum of Rs.1,000/- to the respondent by way of depositing before the Lower Court.

4. The learned counsel for the respondent submitted that the respondent has already stated that he has no objection for allowing the condone delay petition.

5. In view of the same, the petitioner is directed to deposit the amount of Rs.1,000/- before the Fast Track Court, Judicial Magistrate No.I, Coimbatore and the trial Court is directed to receive the above amount and allow the condone delay petition. Thereafter, the trial Court is directed to dispose of the case as per the law.

6. With the above directions, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Fast Track Judicial Magistrate No.I, Coimbatore.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.6818 of 2021

AK(CO)
CS/09/07/2021

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