



CrI.O.P.No.22602 of 2021
in
CrI.A.SR.No.42098 of 2021

A.D.JAGADISH CHANDIRA, J.

Learned counsel for the petitioner/complainant would submit that the accused had taken a stand that he has not received the notice at all. Thereafter, he has examined DW1 to state the fact that notice was served on him on 02.11.2018 whereas as per Ex.P5, the Track Consignment, notice was served on the accused only on 06.12.2018 and thereby the complaint was filed within the period of limitation. Basing reliance on Ex.P5, the trial court found that the complaint was filed within the time whereas the Appellate Court has erroneously held that the complaint was filed beyond the period of limitation and allowed the appeal. Prima facie case has been made out. Leave is granted.

08.12.2021

Note:Registry is directed to number the appeal, if it is otherwise in order.
shk/vri