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Crl. MP.No. 2694 of 2022
in
Crl. A. Sr No. 36174 of 2021

P. VELMURUGAN, J.

This petition has been filed to condone the delay of 241 days in filing the above Criminal Appeal in Crl.A.Sr No. 36174 of 2021.

2. The learned counsel for the petitioner would submit that after obtaining the certified copy of the order, before the filing of the appeal, the same was misplaced in their office and in the meanwhile, pandemic situation had also taken place. Therefore they could not file the appeal in time.

3. The learned counsel for the respondent would submit that the delay has not been properly explained and therefore the reasons assigned in the affidavit, filed in support of the petition, is not acceptable and therefore the petition has to be dismissed.

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



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5. The petitioner, who is the defacto complainant, had filed a private complaint before the Judicial Magistrate No. II, Coimbatore under Section 138 of the Negotiable Instruments Act, 1881, in CC No. 362 of 2017. The Court below dismissed the same, by order dated 08.04.2017. Aggrieved over the same, the petitioner proposed to file an appeal and applied for certified copy and obtained it, but he could not file the appeal. However, the petitioner has filed the present petition to condone the delay of 241 days, in filing the appeal.

6. Though the reasons stated in the accompanying affidavit, filed in support of the petition, is not satisfied, since the delay is on the part of the counsel, the parties should not suffer. But, however the respondent has to be compensated with cost for the delay. Therefore, in order to give an opportunity to the petitioner, the delay is condoned, on condition that the petitioner is directed to pay a sum of Rs. 25,000/- to the respondent, on or before 26.10.2022, failing which, the petition shall stand dismissed automatically, without any further reference to Court. Accordingly, the petition is ordered.



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7. List the matter on **28.10.2022** 'for reporting compliance'.

11.10.2022

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(mrn)

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11.10.2022