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Crl.M.P.No.5155 of 2022
in
Crl.A.SR.no.13352 of 2022

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D.BHARATHA CHAKRAVARHY,J.

The petitioner is the complainant in a private complaint filed alleging the offence under Section 138 of the Negotiable Instruments Act. After considering the entire evidence on record, by a judgment dated 31.08.2018 in STC.No.184 of 2016, the Trial Court acquitted the accused. As against which, the present appeal against acquittal is filed with a delay of 467 days in filing of the appeal.

2. The matter came up for hearing on 14.06.2022. There was no representation on behalf of the petitioner / appellant. Fresh notice was ordered and private notice was also permitted for hearing on 27.06.2022. Again when the matter came up for hearing on 27.06.2022, the service was not complete. The private notice was not taken and no affidavit of service was filed. Taking the said facts, this Court, by order dated 27.06.2022, granted one more opportunity for the petitioner to take private notice and file affidavit



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of service.

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3. However, when the matter came up today for hearing, again, there is no representation for the petitioner. No proof of service is also filed. In that view of the matter, it is seen that the matter is pending on account of inaction of the petitioner / appellant. In an appeal against acquittal, where the accused has the right of speedy trial and when the acquittal is of the year 2016 and when the petitioner complainant is not cooperating by not taking notice, I am of the view that at this stage, the huge delay of 467 days cannot be condoned.

4. Accordingly, the petition for condonation of delay is dismissed.

12.07.2022

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