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Crl.M.P.No.5566 of 2022
in Crl.O.P.No.29188 of 2017

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M.NIRMAL KUMAR, J.

The petitioner preferred a petition in Crl.O.P.No.29188 of 2017 seeking to quash C.C.No.1186 of 2017 under Section 138 of the Negotiable Instruments Act filed by the respondent/complainant.

2.On 02.12.2021, when the case was listed for hearing this Court found no appearance by the petitioner as well as the respondent. Thereafter, on verifying the petition and on perusal of the materials finding that the points raised by the petitioner are factual and triable issues which have to be decided only by full fledged trial and not by way of quash petition and hence, dismissed the petition. Further, the petitioner is directed to appear before the Trial Court within two weeks from the date of receipt of a copy of the said order and file an application under Section 436 Cr.P.C. and on filing of such application, the Trial Court was directed to release the petitioner on



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the same day on the petitioner executing a bond of Rs.10,000/- with two sureties.

3.The present petition is filed by the petitioner stating that the certified copy of the order passed in Crl.O.P.No.29188 of 2017 was not despatched by the Despatch Clerk, High Court immediately and only in the month of January 2022, it was despatched. During the said period due to Covid-19, lockdown was imposed and the Courts were functioning in a restricted manner. The petitioner received the order copy after a period of two months from the date of the order. Further, after receiving the copy of the order on 04.02.2022, the petitioner in compliance to the directions given by this Court appeared before the IV Fast Track Court, George Town, Chennai filed a petition under Section 436 Cr.P.C. On 16.02.2022 within a period of two weeks from the date of receipt of the copy of the order. The learned Judge, IV Fast Track Court, George Town, Chennai refused to accept the bail petition filed by the petitioner for the reason that the certified copy of the order in Crl.O.P.No.29188 of 2017 was despatched on 27.12.2021 and the



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time limit of two weeks is to be calculated from that date onwards and hence, it is beyond the period of two weeks and failed to entertain the petition.

4. According to the petitioner, the petitioner received the copy of the order in Crl.O.P.No.29188 of 2017 only on 04.02.2022 and she appeared before the learned Judge on 16.02.2022 which is within two weeks the time given by the Court to seek bail and execute bond. In support of her contentions, the petitioner produced the Despatch cover of the High Court dated 04.02.2022 in which the copy of the order was received. Hence, the present petition is filed seeking to extend the time to execute the bail bond and to produce the sureties.

5. This Court on the submissions and on perusal of the materials, finds the reason given by the petitioner as acceptable and proper. The Despatch cover of the High Court confirms that it has been despatched only on 04.02.2022. In view of the same, this Court directs the learned Judge, IV



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Fast Track Court, George Town, Chennai to permit the petitioner to comply with the order passed in Crl.O.P.No.29188 of 2017 dated 02.12.2021 within a period of two weeks from the date of receipt of a copy of this order. This petition is ordered accordingly.

27.04.2022

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Note: Issue order copy on 27.04.2022



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