Crl.M.P.No.6835 of 2017 in Crl.R.C.SR.No.50866 of 2016

P.VELMURUGAN, J.

This Criminal Miscellaneous Petition has been filed seeking to condone the delay of 113 days in prefering the above Criminal Revision Case against the Judgment made in C.A.No.3 of 2012 dated 18.03.2016 passed by the Court of the Sessions Judge, Tiruvannamalai.

2. The petitioner is accused and the respondent is the complainant. The respondent had filed a complaint against the petitioner for the offence under Section 138 of Negotiable Instruments Act before the learned Judicial Magistrate No.2, Cheyyar, Tiruvannamalai, and the same was taken on file in C.C.No.343 of 2008 and after completion of trial, the learned Magistrate, convicted the petitioner and sentenced to undergo six months simple imprisonment and fine of Rs.500/- in default to undergo simple imprisonment for two months. Aggrieved over the same, the petitioner preferred appeal before the Court of the Sessions, Tiruvannamalai, in C.A.No.3 of 2012 the learned Sessions Judge after hearing the arguments and re-appreciating the evidence, dismissed the same by Judgment dated 18.03.2016. Against which, the petitioner has filed the above revision before this Court with delay of 113 days.

3. Though the reasons stated in the accompanying affidavit filed in support of the petition are not satisfied and the learned counsel for the respondent vehemently opposed stating that no acceptable reason has been assigned, condoning the delay is purely the discretionary power of the Court. Therefore, in order to give an opportunity to the petitioner, this Court is inclined to condone the delay.

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4. Accordingly, the delay of 113 days in filing the above Criminal Revision Case is condoned subject to condition that the petitioner shall deposit the entire cheque amount i.e. Rs.7,50,000/- to the credit of C.C.No.343 of 2008 on the file of the Judicial Magistrate No.2, Cheyyar, Tiruvannamalai, on or before 15.11.2022 failing which, this order shall stand dismissed automatically without any further reference.

5. Post the matter on 17.11.2022 “for reporting compliance”.

19.10.2022

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