



CrI.R.C.No.648 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.R.C.No.648 of 2018

M/s.IIGM Private Limited
having its office at
"Dugar Estate"
No.89, C.T.H. Road,
Next to T-I, Diamond Chain (India),
Ambattur, Chennai - 600 053.
represented by its Managing Director,
Pavan Kapoor
represented by Power Agent
Rama Subramanian. V

... Petitioner/Complainant

Vs.

M.Dasarathan

... Respondent/Accused

Prayer : Criminal Revision filed u/s.397 and 401 of the Code of Criminal Procedure against the order of the Metropolitan Magistrate, Fast Track Court II, Egmore, Allikulam, passed in M.P.No.2514 of 2017, dated 08.03.2018.

For Petitioner : Mr.E.Thiyaga
for Mr.B.Balavijayan



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ORDER

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This criminal revision case has been filed against the order passed by the Metropolitan Magistrate, Fast Track Court II, Egmore, Allikulam, in Crl.M.P.No.2514 of 2017, dated 08.03.2018, dismissing the petition filed to condone the delay of 59 days in presenting the complaint filed u/s.138 of the Negotiable Instruments Act.

2. Heard Mr.E.Thiyaga, learned counsel, who represented Mr.B.Balavijayan, learned counsel on record for the petitioner. The respondent did not contest the condone delay petition even before the Court below. Hence, notice to the respondent is dispensed with.

3. The petitioner has filed a private complaint against the respondent for offence u/s.138 of the Negotiable Instruments Act. This complaint was filed with a delay of 59 days. The reason assigned by the petitioner for the delay was that the power agent, who was authorised to file the complaint was unwell and hence, he was not able to hand over the documents to the learned counsel for the petitioner. Soon after the power agent recovered, the



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documents were handed over and the complaint was filed.

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4. The Court below dismissed the petition mainly on the ground that the complaint ought to have been filed on or before 27.05.2017, whereas, the power deed itself was executed in favour of the power agent only on 07.06.2017 and hence, the reason assigned for the delay in filing the complaint is unacceptable.

5. In the considered view of this Court, the Court below ought not to have taken a hyper technical view in this case since the petitioner is exercising the right provided u/s.138 of the Negotiable Instruments Act. The delay is also not enormous and it is quite reasonable and the reason assigned for the delay is acceptable. In view of the same, the order passed by the Court below requires interference of this Court.

N. ANAND VENKATESH, J



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6. In the light of the above discussion, the order passed by the Court below in Crl.M.P.No.2514 of 2017, dated 08.03.2018, is hereby set aside. The delay in filing the complaint is condoned. The Court below is directed to apply its mind on the complaint filed by the petitioner and proceed further in accordance with law.

This Criminal Revision Case is, accordingly, allowed.

06.04.2023

Index : Yes/No
Speaking Order / Non Speaking Order
Neutral Citation: Yes/No
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To
The Metropolitan Magistrate,
Fast Track Court II,
Egmore, Allikulam.

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