



WEB COPY



Crl.M.P.No.16753 of 2023

Crl.M.P.No.16753 of 2023
in
Crl.A.SR.No.55438 of 2022

M. NIRMAL KUMAR, J.

This petition is filed to condone the delay of 302 days in representing this appeal.

2.The petitioner/complainant had filed a private complaint under Section 138 of the Negotiable Instruments Act in C.C.No.7225 of 2017 against the respondent. The Trial Court, by judgment dated 28.08.2019, convicted the respondent, against which, the respondent filed an appeal before the Sessions Court in C.A.No.145 of 2021. The Sessions Court by judgment dated 14.03.2022, allowed the appeal, setting aside the conviction of the respondent, against which, the present appeal has been filed by the petitioner/complainant.

3.The learned counsel for the respondent submitted that the petitioner has not come with clean hands. He suppressed the vital facts in this case. The respondent though borrowed amount, he repaid the entire amount, which he proved before the Appellate Court cogently. The Lower Appellate Court



Crl.M.P.No.16753 of 2023

M. NIRMAL KUMAR, J.

rsi

considered the same and allowed the appeal on merits. He further submitted that the petitioner has not given reason for the inordinate delay of 302 days.

4.Admittedly, in this case it is a contra judgment. The Trial Court convicted the respondent, whereas the Lower Appellate court acquitted the respondent. Further, the reason given by the petitioner seems to be reasonable. In view of the same, this Court is inclined to condone the delay.

5.Accordingly, the delay stands condoned and the petition is ordered.

13.12.2023

rsi

Note: Registry is directed to number the Criminal Appeal, if it is otherwise in order and post the same for admission.

Crl.M.P.No.16753 of 2023
in
Crl.A.SR.No.55438 of 2022