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Crl.O.P.No.33020 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.33020 of 2019

STP Limited
Having office at
No.55 & 56, A & B Developed Plots,
Ambattur Industrial Estate,
Chennai-600 098
represented by its Authorised Signatory and
Assistant Manager (Factory Accounts)
B.Ramanathan

... Petitioner

Vs.

M.Ganapathy ... Respondent

Prayer: Criminal Original Petitions filed under Section 482 of Code of Criminal Procedure, to call for the records and set-aside the docket order passed on 18.07.2016 in M.P.No.962 of 2016 in Crl.M.P.No.1957 of 2014 in C.C.No.Unnumbered of 2014 on the file of II Fast Track Court, Allikulam at Chennai.

For Petitioner : M/s Kanimozhi Mathi
For Respondent : No appearance

ORDER



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This Criminal Original Petition has been filed calling for the records

and set-aside the docket order passed on 18.07.2016 in M.P.No.962 of 2016 in Crl.M.P.No.1957 of 2014 in C.C.No.Unnumbered of 2014 on the file of II Fast Track Court, Allikulam at Chennai.

2. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice served on the respondent and the name has been printed in the cause list, today, no one appeared before this Court in person or through pleader.

3. The petitioner is the complainant. He had filed a complaint as against the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. There was a delay of 73 days in filing the complaint. Therefore, the petitioner filed a condonation of delay petition in M.P.No.1957 of 2014. It was returned on 16.02.2015 for some discrepancies. However, it was not re-presented on time and as such, there was also another delay of 53 days in re-presentation of the complaint and as such, the petitioner filed another petition in M.P.No.962 of 2016. The said petition was dismissed for default, since the counsel was not present. Therefore, the petitioner filed a petition in



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M.P.No.3846 of 2016, for recalling the order passed in condoning the delay in re-presentation of the complaint. It was allowed on 09.06.2017. Thereafter, the petitioner also filed another application in M.P.No.2171 of 2017 to recall the order dated 18.07.2016 and the same was dismissed.

4. The petitioner, being a complainant, may be given one more opportunity to put forth the case before the Trial Court.

5. In view of the above, the docket order passed on 18.07.2016 in M.P.No.962 of 2016 in Crl.M.P.No.1957 of 2014 in C.C.No.Unnumbered of 2014 on the file of II Fast Track Court, Allikulam at Chennai is hereby set aside. The Trial Court is directed to take the condone delay on file in Crl.M.P.No.1957 of 2014 and pass orders on merits and in accordance with law. If the condone delay petition is allowed, the Trial Court is directed to take cognizance of the complaint lodged for the offence under Section 138 of Negotiable Instruments Act and dispose of the same, within a period of six months thereafter.



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6. With the above direction, this Criminal Original Petition is allowed.

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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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G.K.ILANTHIRAIYAN, J.

mn

To

The II Fast Track Court, Allikulam at Chennai.

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