



WEB COPY



Crl.M.P.No.16685 of 2023
in Crl.RC.SR.No.52252 of 2023

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M.NIRMAL KUMAR., J.

This petition is filed to condone the delay of 381 days in filing the above revision petition.

2.Learned counsel for the petitioner submits that the petitioner was convicted by the Trial Court for the offence under Section 138 of Negotiable Instruments Act by judgment dated 10.12.2022 and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.2,00,000/- as compensation. The Trial Court suspended the sentence imposed against the petitioner. Thereafter, the petitioner preferred an appeal before the Sessions Court with a delay of 59 days. The Sessions Court condoned the delay with a condition to deposit 50% of the cheque amount i.e., Rs.3,00,000/- within a stipulated period which could not be complied with by the petitioner. Again the present revision petition is filed with a delay of 381 days.

3.Learned counsel for the respondent/complainant submits that the petitioner is in the habit of filing one petition or other and delaying the process of law. He would submit that as per Section 143 of Negotiable Instruments Act, trial has to be completed within a period of six months but in this case it has not been done so. Hence, he strongly oppose this petition.



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4.Learned counsel for the petitioner submits that the petitioner has been arrested on 22.08.2023 on the strength of NBW issued by the Trial Court and the petitioner is in confinement. He further submits that the petitioner is ready to deposit 20% of the cheque amount i.e. Rs.1,20,000/- to the credit of C.CNo.370 of 2017 before the learned Judicial Magistrate No.1, Mettur and has got no objection for the respondent/complainant to withdraw the same with an undertaking that it will be subject to the outcome of the appeal.

5.Learned counsel for the respondent/complainant has got no serious objection for the same.

6.In view of the above, this petition is ordered and the delay is condoned. The Registry is directed to number the revision petition if it is otherwise in order and post for admission on 09.11.2023.

08.11.2023

cse

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