



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL RC Nos.1656 and 1817 of 2025
and Crl.M.P.Nos.16876 and 17932 of 2025**

Sureshkumar
Proprietor of Mahalskhmi Micro Finance Ltd.,
S/o. Krishnan,
14, T.V.K.Nagar, Chinnasalem Taluk,
Kallakurichi District.

Petitioner in both cases

Vs

Revathi

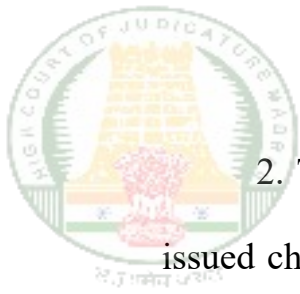
Respondent in both cases:

COMMON PRAYER The Criminal Revision Cases filed under Section 528 of B.N.S.S. to call for the records pertaining to the case pending on the file of the Judicial Magistrate, Fast Track Court at Kallakurichi in Crl.M.P.No.1778 of 2024 in C.C.Filing No.1864 of 2024 and Crl.M.P.No.1779 of 2024 in C.C.Filing 1966 of 2024 and set aside the same since they are devoid of any merits.

For Petitioner	Mr.A.G.Rajan
in both cases:	
For Respondent	Mr.W.Camyles Gandhi
in both cases::	

COMMON ORDER

The Criminal Revision Cases have been filed challenging the orders passed by the Judicial Magistrate, Fast Track Court, Kallakurichi in two different cases condoning the delay of 21 days and 26 days respectively in filing the complaints under section 138 of the Negotiable Instruments Act.



2. The gist of the allegations in both the cases is that the petitioner had issued cheques in favour of the respondent for Rs.3,00,000/- and Rs.5,00,000/- respectively towards discharge of his liability to the respondent; that when the cheques were presented for collection, the same were returned for the reason “insufficient funds”; that in spite of issuing statutory notice, the petitioner did not come forward to make the payment.

3. The learned counsel the petitioner would submit that the impugned orders are liable to be set aside as the respondent has not shown sufficient cause for the delay in filing the complaints under Section 138 of the Negotiable Instruments Act and the explanation offered by the respondent for the delay ought not to have been accepted by the Judicial Magistrate.

4. The learned counsel for the respondent, per contra, would submit that the delay in both the cases are only 21 days and 26 days respectively; that the delay is not huge; and that the delay was occasioned due to technical failure in the e-court server, and hence the learned Magistrate was justified in condoning the delay.

5. Admittedly the delay in both the cases are 21 and 26 days respectively, though in one case, it is stated that the delay is 21 days instead of 26 days. The



learned Magistrate in both the cases has held that the respondent has explained the delay sufficiently and that the delay was caused due to a failure in the e-court server, which cannot be attributed to the respondent. It is well settled that in the cases of this nature where the delay is not huge and the delay has been sufficiently explained, the Courts are bound to condone the delay and adjudicate the dispute on merits. This Court is therefore of the view that there is no infirmity in the orders passed by the learned Magistrate impugned in these two revisions.

6. Both the Criminal Revision Cases stand dismissed. Consequently, connected miscellaneous petitions are closed.

15-12-2025

vum

Index:Yes/No

Speaking/Non-speaking order

To

The Judicial Magistrate,
Fast Track Court, Kallakurichi



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CRL RC Nos.1656 and 1817 of 2025



SUNDER MOHAN J.

vum

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