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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.2228 of 2025

R. Kumarappa

... Petitioner

Vs.

Manivanan

... Respondent

PRAYER : This petition is filed under Section 438 r/w 442 of BNSS Act to call for the records in Crl.M.P.No.2867 of 2025 on the file of the Hon'ble Fast Track Court No.2 at Alikulam, Egmore and set aside the order dated 31.07.2025 wherein the hon'ble Judge had dismissed an application filed for condoning the delay of 259 days in filing the complaint under Section 138 of Negotiable Instruments Act, 1881 and consequently condone the delay of 259 days in filing the complaint and direct the Hon'ble Fast Track Court No.2 at Alikulam, Egmore to number the complaint and expedite the process within a time frame to be fixed by this Hon'ble court and pass orders.

For Petitioner : Mr.Mr.D. Ferdinand for M/s BFS Legal

ORDER

This Criminal Revision Case has been filed to call for the records in Crl.M.P.No.2867 of 2025 on the file of the Fast Track Court No.2 at Alikulam, Egmore and set aside the order dated 31.07.2025 wherein the Judge had dismissed



an application filed for condoning the delay of 259 days in filing the complaint under Section 138 of Negotiable Instruments Act, 1881 and consequently condone the delay of 259 days in filing the complaint and direct the Fast Track Court No.2 at Alikulam, Egmore to number the complaint and expedite the process within a time frame to be fixed by this Court and pass orders.

2. The facts of the case is that the petitioner has filed a petition to condone the delay of 259 days in filing the complaint in CrI.M.P.No.2867 of 2025 and the same was dismissed on 31.07.2025. The reason stated by the learned Judge is that the supporting affidavit was not sworn by the complainant himself but by one Mr.Krishna, whose role or authority was not disclosed and that the explanation regarding e-filing on 03.04.2024 was not substantiated by records. Challenging the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submits that the condone delay application was due to inadvertence of a junior advocate in his counsel's office and the same was filed without his knowledge or approval. It is stated that the said Krishna was fresher in his counsel's office and he had filed the said petition without his knowledge and consent. Hence, prays to allow this petition.



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4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of records it is found that the delay has been caused due to the inadvertence of a junior advocate and there is no other reason behind the said delay, hence the order passed by the learned Judge in Crl.M.P.No.2687 of 2025 on 31.07.2025 is set aside. Accordingly the delay of 259 days in filing the complaint is condoned and the learned Judge is directed to number the main petition.

6. With the above directions this petition is disposed of.

04.11.2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Fast Track Court No.2 at Alikulam, Egmore

T.V.THAMILSELVI, J.



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