



Crl.R.C(MD)No.1388 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL.R.C.(MD)No.1388 of 2025

CRL MP(MD)No.15895 of 2025

A.Mohamed Ismail, S/o.Abdul Karim
Door No.62, 7th Street, Poes Garden,
Saramedu Road, Coimbatore

Revision Petitioner/Accused

vs.

M.Abbas, S/o.Mohamed Ibrahim
Door No.1/74, Anna Nagar, Kallapuram
Udumalapet, Tirupur

Respondent/Complainant

PRAYER: This Criminal Revision Petition is filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records, relating to the order, dated 19.07.2025, passed in Crl.MP.No. 4677 of 2025, by the Judicial Magistrate, FTC, Palani and to set aside the same.

For Petitioner :Mr.Aayiram K.Selvakumar

ORDER

1. Since this Criminal Revision Petition is disposed of, at the admission stage itself, notice to the Respondent is dispensed with.
2. This Criminal Revision Petition has been filed to call for the records, relating to the order, dated 19.07.2025, passed in Crl.MP.No.4677 of



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2025, by the Judicial Magistrate, FTC, Palani and to set aside the same.

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3. The facts of the case in a nutshell, led to filing of this Criminal Revision Petition and necessary for disposal of the same, are as follows:-

(a) It is alleged that the Revision Petitioner/Accused had issued a cheque, dated 06.02.2023, to the Respondent/Complainant for a sum of Rs.3,50,000/-, which was borrowed from him. When the said cheque was presented for encashment on 03.03.2025, it was dishonoured on 08.03.2025 with the endorsement "Accounts Closed". Hence, the Respondent/ complainant had sent a legal notice, dated 05.04.2025 to the Revision Petitioner/Accused. Since there was no response from the Revision Petitioner/Accused, the Respondent/Complainant had filed a complaint before the Trial Court for the offence under Sections 138 and 142 of the Negotiable Instruments Act, for recovery of the cheque amount, along with a Petition in Crl.MP.No.4677 of 2023 under Section 142(b) of the Negotiable Instruments Act, to condone the delay of four days, in filing the said complaint.

(b) The said Petition was resisted by the Revision Petitioner/Accused, by filing a counter affidavit before the Trial Court. By the impugned



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order, the Trial Court had allowed the said petition, seeking to condone the delay of four days in filing the said complaint. As against the same, this Criminal Revision Case has been filed by the Revision Petitioner/Accused.

4. This Court heard Mr.Aayiram K.Selvakumar, the learned counsel for the Revision Petitioner/Accused and also perused the materials placed on record.
5. According to the Revision Petitioner/Accused, since the delay was not explained properly and in the absence of proof to prove the medical reason assigned by the Respondent/Complainant, the impugned order passed by the Trial Court is not sustainable.
6. It was the case of the Respondent/Complainant before the Trial Court that since the Respondent/Complainant was bedridden, he was not able to file the complaint under Section 138 of the Negotiable Instruments Act within the prescribed time and that the said delay of four days is minimal, which was neither wanton or wilful or deliberate and beyond the control of the Respondent/Complainant and hence, the impugned order, allowing the Petition to condone the delay, is in order and justified and passed in the interest of justice.



7. The complaint of the Respondent/Complainant is one under Section 138 of the Negotiable Instruments Act. The cheque amount involved in this case is Rs.3,50,000/-. The delay of four days in filing the complaint under Section 138 of the Negotiable Instruments Act had occurred, as per the reason stated by the Respondent/Complainant, which appears to be justified and the Trial Court had rightly allowed the application to condone the delay.
8. The reason assigned by the Respondent/Complainant for the said delay is that he was unwell and hence, the complaint could not be filed in time. The delay is only four days. When the delay is minimal, i.e. four days delay in this case, a liberal and justice oriented approach should be adopted. If the matter is thrown out on the basis of technicalities and on the basis of limitation, which is a meagre one in this case, the Respondent/Complainant may be prejudiced and deprived of justice.
9. In general, for four days sick or a few days sick, one may take medicines directly from medical shops or may take home remedies, by taking rest in home, for which, no medical records cannot be produced. This Court also finds that the reason assigned by the Respondent/Complainant for condoning the delay of four days in filing



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the complaint under Section 138 of the Negotiable Instruments Act, viz, due to illness, he was bedridden, appears to be bona fide and justified. Sufficient cause has been narrated in the application for condonation of delay.

10.This Court is of the view that considering the above said aspects, the Trial Court had rightly passed the impugned order, allowing the petition, seeking to condone the delay of four days in filing the complaint under Section 138 of the Negotiable Instruments Act by the Respondent/Complainant and there is no illegality or perversity in the impugned order of the court below, which warrants interference by this Court and accordingly, this Criminal Revision Case is liable to be dismissed.

11.In the result, this Criminal Revision Case is **dismissed**. There is no order as to costs. The impugned order, dated 19.07.2025, passed in Crl.MP.No.4677 of 2025, by the Judicial Magistrate, FTC, Palani is hereby **confirmed**. Consequently, the connected Criminal Miscellaneous Petition is closed. The file is consigned to record.

12.Further, this Court directs the Judicial Magistrate, FTC, Palani to decide the case filed by the Respondent/Complainant under Section 138



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of the Negotiable Instruments Act, expeditiously, in accordance with law, without granting unnecessary adjournment to either of the parties.

11.11.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm

To:

1. The Judicial Magistrate, FTC, Palani
2. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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SHAMIM AHMED, J.

Srsm

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