



Crl.O.P. No. 5063 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 5063 of 2026

&

Crl.M.P. No. 3755 of 2026

1. M/s. Arulvelava Poultry Farm,
Proprietor Mr.Sivakumar

2. Mr. Sivakumar

..Petitioners

Vs.

M/s. Gmsai Agro Product Pvt.Ltd.,
rep .by its Director Mr.V.K. Mylsamy,
No.3, Sakthi Vinayagar Nagar,
Vilankurichi Road, Coimbatore 641 035.

..Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS to set aside the order dated 22.01.2026 in C.R.P. No. 45 of 2025 on the file of IV Additional District and Sessions Judge, Coimbatore confirming the order dated 09.04.2025 made in C.M.P. No. 8764 of 2024 in STC Sr. No. 9413 of



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2024 on the file of the Judicial Magistrate, Fast Track Court at Magisterial

Level II, Coimbatore.

For Petitioners :: Mr. DeepanUday

O R D E R

The respondent/de facto complainant had filed a case under Section 138 of Negotiable Instruments Act against the petitioners with a delay of 234 days and filed a petition in Crl.MP No. 8764 of 2024 to condone the said delay. The Trial Court/Judicial Magistrate, Fast Track Court at Magisterial Level II, Coimbatore had condoned the delay by order dated 09.04.2025 on condition that the petitioners should pay costs of Rs.1000/- to the District Legal Services Authority, Coimbatore. Aggrieved by the said order, the petitioners preferred a revision petition in C.R.P. No. 45 of 2025 before the IV Additional District and Sessions Court, Coimbatore, which also came to be dismissed by order dated 22.01.2026 confirming the order of the Trial Court. Hence, the present petition.

2. Heard the learned counsel for the petitioners.

3. It is seen that the admittedly, the respondent was sick and therefore, the complaint was filed with a delay. As per proviso to Section



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142 of the Negotiable Instruments Act, the delay can be condoned.

Considering the explanation given by the respondent along with the medical certificate in support of his claim, the delay has been condoned. However, the petitioners' contention is that the medical certificate produced by the respondent/complainant is not proper. In any event, both the Courts below have condoned the delay after considering the petitioners' objection to condone the delay. In view of the same, this Court is not inclined to interfere with the concurrent findings of the Courts below. Hence, the criminal original petition stands dismissed. Connected miscellaneous petition is closed.

05.03.2026

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To

1. The IV Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court at Magisterial Level II,
Coimbatore.



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M. NIRMAL KUMAR,J.

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