



WEB COPY

CRL RC No. 1797 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 1797 of 2025

K.Thangavel,
S/o. Krishnasamy,
No.394, Kallangkadu Thottam,
Thennampalayam,
Tiruppur District.
Represented by his power of Attorney,
Mr.Anand.

..Petitioner(s)

Vs

S.Manjula
W/o. Senthilkumar,
D/o.Karupasamy,
Thasapalayam, Kolipannai Thottam,
Kanjampalli Post, Annur Taluk,
Coimbatore District.
Nalligoundenpalayampudur,
Pudhupalayam,
Avinashi, Tiruppur - 641654.

..Respondent(s)

PRAYER – This Criminal Revision is filed under Sections 397 and 401 of Cr.P.C/under Sections 438 and 442 of BNSS, 2023, to call for the records pertaining to the order dated 30.05.2025 made in Crl.MP.No.9957 of 2022 on the file of the Judicial Magistrate (Fast Track), Tiruppur and set aside the same.

For Petitioner(s): Mr.A.Saravanan

For Respondent(s): Mr.K.Govi Ganesan



ORDER

The Revision challenges the order passed by the learned Judicial Magistrate (Fast Track), Tiruppur in dismissing the condone delay petition filed by the complainant in preferring the complaint under Section 138 of N.I. Act.

2.The petitioner had filed the complaint under Section 138 of N.I. Act before the Judicial Magistrate, Palladam. The said complaint was returned for want of jurisdiction. Thereafter, the petitioner through his Power of Attorney, presented the complaint before the Judicial Magistrate – II, Tirupur, with a delay of 39 days.

3.The learned Judicial Magistrate (Fast Track), Tiruppur dismissed the said petition on the ground that the Power of Attorney was not competent to present the complaint on the date when it was presented, as the Power of Attorney in his favour was executed 12 days after the date of presentation of the complaint and on the ground that the petitioner had not satisfactorily explained the reason for the delay.

4.The learned counsel for the petitioner would submit that the petitioner had authorised the agent and even if there is any discrepancy in filing of the Power of Attorney belatedly, it would not be fatal to the case of the petitioner;



that the delay is not huge and that the parties should be permitted to prove their respective cases on merits; and that the learned Magistrate ought not to have dismissed the petition only on the ground of delay in filing the complaint.

5.The learned counsel for the respondent would submit that the petition was not only dismissed for the reason that the petitioner had not explained the reasons for the delay sufficiently, but also because the Agent was not empowered to present the complaint on 01.02.2021, as admittedly the Power of Attorney is dated 12.02.2021 and prayed for dismissal of the above Revision.

6.Heard the learned counsel on both sides and perused the entire materials available on record.

7.Admittedly, the petitioner had authorised the Power of Attorney to present the complaint. In fact, the petitioner had himself presented the complaint before the learned Magistrate, Palladam. Therefore, this Court is of the view that the belated filing of the complaint by the Power of Attorney and the date of the Power of Attorney ought not to have been the reason to dismiss the complaint at this stage. It is open to the parties to raise all points in the trial which shall be considered by the learned Magistrate at the conclusion of the trial. Though, it appears that the petitioner had not satisfactorily explained the delay, considering the fact that the delay is only 39 days and it is well settled



that where substantial justice is pitted against procedural infirmities, the former should be preferred. This Court is inclined to set aside the impugned order of the learned Magistrate dated 30.05.2025 made in Crl.MP.No.9957 of 2022. As a result, the delay is condoned and the learned Magistrate is directed to take the complaint on file if it is otherwise in order.

8. Accordingly, this Criminal Revision is allowed.

19-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSA

To

The Judicial Magistrate (Fast Track),
Tiruppur.



WEB COPY

CRL RC No. 1797 of 2



SUNDER MOHAN, J.

GSA

CRL RC No. 1797 of 2025

19-02-2026