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Crl.R.C.No.2895 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2895 of 2025

Mr.N.Thyagarajan
S/o.Nageshwaran
No.1/366, Karthikeyapuram 1st Street,
Madipakkam, Chennai – 600 091.

...Petitioner

Vs.

Mr.V.Ramakrishnan
S/o.P.R.Venkataraman
Plot No.69, Door No.5/544,
Sathsangam Street, Madipakkam,
Chennai – 600 091.

...Respondent

Prayer: Criminal Revision case filed under Section 438 r/w Section 442 of BNSS, to set aside the order dated 06.08.2025 passed in Crl.M.P.No.4018/2025 in S.T.C.(SR) No.1194/2025 passed by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai – 16.

For Petitioner : Mr.T.Easwaradhas



CrI.R.C.No.2895 of 2025

ORDER

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The Revision has been filed challenging the order passed by the learned Magistrate in condoning the delay of 145 days in filing the complaint under Section 138 of the Negotiable Instruments Act by the respondent.

2.The learned counsel for the petitioner would submit that the learned Magistrate did not consider the counter filed by the petitioner while allowing the condone delay petition filed by the respondent and there is no discussion in the impugned order as to why the petition was allowed.

3.The learned counsel further submitted that the impugned complaint itself is not maintainable as the petitioner is not due and liable to pay the cheque amount to the respondent and the impugned complaint is an abuse of process of law.

4.Though the learned Magistrate has simply stated that the reasons stated by the respondent in the petition to condone the delay is satisfactory, this Court finds from the affidavit filed by the respondent in support of his

2/4



CrI.R.C.No.2895 of 2025

condone delay petition that the respondent has given reasons for the delay in paragraphs 11 and 12 of his affidavit. The respondent had stated that the petitioner had promised to settle the cheque amount and hence, he waited to file a complaint. It is well settled that where substantial justice is pitted against procedural irregularities/technicalities, the former should be preferred. The learned Magistrate therefore had decided to condone the delay and adjudicate the case on merits. This Court finds no infirmity in the said order, especially, since the delay is only 125 days.

5.Hence, the Revision is dismissed with liberty to the petitioner to raise all points on merits in the trial.

05.01.2026

Tsg

Index : Yes/No
Speaking order : Yes/No

To

The Metropolitan Magistrate,
Fast Track Court-V, Saidapet, Chennai-16.



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SUNDER MOHAN.J.,

Tsg

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