



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

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CRM-M-29498-2026 (O&M)**Date of decision: 26.05.2026**

Manoj Kumar

... Petitioner

Versus

Bhanwar Lal

... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Ashok Kumar, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short – ‘the Cr.P.C.’) seeking quashing of the order dated 10.04.2026 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Abohar, whereby the application filed by the respondent for condonation of delay in complaint case No. NACT/344/2026 titled “Bhanwar Lal Vs. Manoj Kumar” was allowed without issuance of any notice to the petitioner and, thereafter, the petitioner was ordered to be summoned.

2. Learned counsel for the petitioner contended that the respondent has instituted a false and frivolous complaint (Annexure P-1) under Section 138 of the Negotiable Instruments Act, 1881 (in short ‘NI Act’) qua the petitioner. It is further contended that along with the complaint, an application for condonation of delay was also filed wherein it was wrongly asserted that the statutory period to file the complaint expired on 06.02.2026, whereas a



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period of 45 days from the date of notice i.e. 22.12.2025, in fact, expired on 05.02.2026. Thus, according to learned counsel, the respondent wrongly computed the period of limitation for instituting the complaint.

3. Learned counsel submitted that the learned trial court, vide order dated 10.04.2026, erroneously condoned the delay in filing the complaint without affording any opportunity to the petitioner/accused to assail the same, and on the same day proceeded to summon the petitioner to face trial. It is contended that no notice was issued to the petitioner before deciding the application for condonation of delay, thereby depriving him of an opportunity of hearing in violation of the principles of natural justice. In support of his contentions, learned counsel placed reliance upon the judgment of this Court in the case of **Brij Mohan Batra Vs. Ludhiana Beverages Pvt. Ltd., CRM-M-12021-2013 decided on 23.08.2013, 2014 (7) RCR (Criminal) 2345.**

4. Heard.

5. The main question for consideration before this Court is that whether at the stage of condonation of delay in filing complaint under Section 138 of NI Act, the accused has a right to be heard. Learned counsel for the petitioner has vehemently contended that the principles of natural justice were violated as petitioner was not given an opportunity of being heard before the application filed by the complainant seeking condonation of delay was allowed.

6. Section 142(1)(b) Proviso is the relevant provision under NI Act governing the condonation of delay, which reads as under:

“Provided that the cognizance of a complaint may be taken by the Court after the prescribed period, if the complainant satisfies



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the Court that he had sufficient cause for not making a complaint within such period.”

7. A plain reading of the aforesaid proviso reveals that the statute merely requires the satisfaction of the Court for condonation of delay and does not contemplate affording an opportunity of hearing to the accused before such delay is condoned. The legislative scheme underlying the proviso is confined to the Court being satisfied that sufficient cause existed for not instituting the complaint within the prescribed period.

8. The contention raised on behalf of the petitioner that the principles of natural justice stood violated on account of non-affording of an opportunity of hearing at the stage of consideration of the application for condonation of delay does not align with the scheme and object of the Negotiable Instruments Act. The proceedings under Section 138 of the NI Act are intended to be summary in nature so as to ensure expeditious adjudication of disputes arising out of dishonour of cheques.

9. Moreover, neither the proviso to Section 142(1)(b) of the NI Act expressly contemplates affording an opportunity of hearing to the accused while considering an application for condonation of delay, nor can such requirement be read into the provision by implication. The only requirement under the statute is that the Court must be satisfied that sufficient cause existed for condoning the delay in filing the complaint.

10. It is also pertinent to note that Section 139 of the NI Act raises a statutory presumption in favour of the complainant with regard to the cheque having been issued towards discharge of a legally enforceable debt or liability. The legislative intent behind incorporating such presumptions and summary



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procedure is to strengthen the credibility and acceptability of commercial transactions conducted through negotiable instruments.

11. In considered opinion of this Court, condonation of delay under the proviso to Section 142(1)(b) of the NI Act is essentially a matter between the complainant and the Court for the limited purpose of enabling the Court to determine whether sufficient cause has been shown for not instituting the complaint within the prescribed period. In the absence of any express statutory mandate, such a right of pre-summoning hearing cannot be read into the provision.

12. Learned counsel for the petitioner has placed reliance upon the judgment of this Court in *Brij Mohan (supra)*, wherein it was observed that an opportunity of hearing ought to be afforded to the accused before deciding an application for condonation of delay in light of the principles of natural justice, and further that upon expiry of the prescribed period of limitation, a valuable right accrues in favour of the accused.

13. However, this Court is unable to subscribe to the said view. Every statute has to be interpreted in the backdrop of its object and legislative intent. The Negotiable Instruments Act is a special statute enacted with the object of ensuring the credibility and sanctity of commercial transactions. The primary object of Section 138 proceedings is not punitive in the strict sense, but rather to secure the honouring of negotiable instruments and instill confidence in commercial dealings. It is for this reason that the Act contemplates a summary procedure. If, at the threshold stage of considering an application for condonation of delay, notice is required to be issued and an opportunity of



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hearing afforded to the accused, the very object of expeditious and summary adjudication contemplated under the statute would stand diluted.

Further, the observation that a “valuable right” accrues in favour of the accused upon expiry of the prescribed period of limitation for filing a complaint under Section 138 of the NI Act cannot be accepted. The proviso to Section 142(1)(b) of the NI Act itself authorises the Court to take cognizance of a complaint even after expiry of the prescribed limitation period, provided sufficient cause is shown. Once the statute expressly preserves the jurisdiction of the Court to entertain a complaint beyond limitation, no indefeasible right can be said to accrue merely because the complaint was not instituted within the original prescribed period. Such an interpretation would not only run contrary to the summary nature of proceedings contemplated under the NI Act, but would also amount to reading into the statute a requirement which the legislature has consciously omitted.

14. Furthermore, the order condoning delay does not by itself determine the guilt or liability of the accused. The accused retains full opportunity, after appearance before the trial Court, to raise all permissible legal and factual pleas available to him in accordance with law, including objections regarding maintainability, limitation, and the merits of the complaint. Therefore, no irreversible prejudice can be said to have been caused merely because the application for condonation of delay was considered without issuing notice to the accused.

15. The principles of natural justice are undoubtedly foundational to judicial procedure; however, the application of such principles depends upon the statutory framework, the nature of proceedings, and the stage at which the



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proceedings are situated. The principles of natural justice cannot be applied in a manner that defeats the object and scheme of a special enactment. Where the legislature, consciously and by design, provides for a summary mechanism to ensure expeditious disposal, the procedural requirements cannot be expanded beyond what is contemplated under the statute itself.

16. In view of the discussion above, this Court finds no illegality or perversity in the impugned order dated 10.04.2026 passed by the learned trial Court whereby the delay in filing the complaint was condoned and the petitioner was summoned to face trial. The present petition, being devoid of merit, is accordingly *dismissed*.

17. It is clarified that the observations made herein are confined to the issue of condonation of delay under the proviso to Section 142(1)(b) of the Negotiable Instruments Act and shall not be construed as dispensing with compliance of any other mandatory procedural safeguards available to an accused under law

18. Pending (misc.) application(s), if any, also stand disposed of.

26.05.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No