

CRMA J No.284 of 2023

Order Below Exh.01

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1. Read the application, heard the L.d. Advocate for the applicant, he argued that the applicant filed by the complainant after fourteen (14) days delay.
2. After registering the condonation applicant, issued the notice to the accused, which was duly served to the respondent but he did not appear before the court. As per provision of the Negotiable Instrument Act this type of cases should be tried to dispose within 6 months. Considering the provisions of the statute the right of the respondent for reply is ordered to be closed.
3. The complainant is Deputy Engineer of Surat Mahanagar Palika, Surat. It is stated in the application that in the process to obtain permission and for other important work for the Surat Mahanagar Palika he could not file the complaint during the time mentioned in the statute. Further he stated that the money is used for public development. For the mentioned reason the respondent could not be successful to disprove the fact of the applicant. Hon'ble Apex Court in the number of judgments established the principle that in the reasoned case delay should be condoned.
4. Looking at the argument of applicant advocate and provision of Section 142(b) proviso of The Negotiable Instrument Act, if the sufficient cause is there in filling of delay then Magistrate has power to condone the delay. In the present case fourteen (14) days delay has occurred because in the process to obtain permission and for other important work for the Surat Mahanagar Palika the applicant could not file the complaint during the time mentioned in the statute. Therefore, in the interest of justice, passed following order:-

:- ORDER :-

1. Present Application of the applicant is ordered to be allowed with cost.
2. Applicant is pay Rs.500/- (i.e. Rupees five hundred only) as a cost to the D.L.S.A, Surat
3. The Registry is directed to register a Criminal Case and issue summons against the accused u/s.138 of The Negotiable Instrument Act.

Order pronounced today on 25th September of 2024 in the open court.

Date: 25/09/2024
Place: Surat,

(A.S.JANI)
J.M.F.C.(Municipal),
Surat