

**ORDER ON APPLICATION UNDER SECTION
142(B) OF NI ACT FILED BY THE
COMPLAINANT**

It is the application filed by the complainant seeking to condone the delay of 279 days to file the private complaint before the court.

2. In pursuance of notice, the said notice served to the accused, but the accused has not appeared before the court and not filed vakalath on his behalf.

3. In order to condone the delay, the complainant himself examined as CW.1 by way of filing the affidavit.

4. On perusal of the order sheet it discloses that there is a delay of 279 days in filing the said private complaint before the court. In the said application, the complainant had stated that as per Section 138 of NI Act, after serving of legal notice to the accused, within 45 days to file the complaint. But the complainant stated that due to ill-health and personal inconvenience, he was unable to meet his advocate, hence he could not able to file complaint within 45 days from the date of service of notice to the accused.

Hence prays to condone the delay in filing the private complaint.

5. On perusal of the order sheet it discloses that, there is a delay of 279 days in filing this private complaint. If the delay is condoned by giving opportunity to the complainant, no hardship would be caused to the other side. After service of notice the accused has not appeared before the court and he has not filed any objection to the said application. It seems that the accused is very much knowledgeable about filing of this complaint by the complainant. On this count also and available materials are concerned and to dispose the complaint on merits it is necessary to condone the delay. Hence, this court proceed to pass the following :

ORDER

The application filed under Section 142(b) of NI Act by the complainant is hereby allowed.

Delay is condoned.

The cognizance is taken for the offense punishable under Section 138 of NI Act.

For sworn statement,

Call on

(Kusuma V)
Prl. Civil Judge & JMFC.,
Channarayaptna.