

ORDERS ON APPLICATION

The complainant has filed the present complaint under Sec.223 of BNSS against the accused for the offence punishable under Sec.138 of N.I. Act along with an application under Sec.142(b) seeking condonation of delay of 12 days in filing the complaint.

It is stated in the affidavit filed in support of the application that the delay in filing the complaint is neither willful nor intentional but occurred due to bonafide reason that he could not contact his Advocate due to illness to file the complaint within time.

The notice of the application was issued to the accused. Despite service of notice, the accused has remained absent and has not filed any objections. Hence, the averments made in the application remained uncontroverted. Sec.142(b) of N.I. Act empowers the court to condone the delay if sufficient cause is shown. The provision being remedial in nature and intended to advance the cause of justice. A liberal approach is required

while considering the application for condonation of delay particularly when the delay is not deliberate and the accused has not chosen to contest the same.

In the facts and circumstances of the case, this court finds it just and proper to allow the application. Accordingly, I proceed to pass the following:

ORDER

The application filed by the complainant under Sec.142(b) of N.I. Act seeking condonation of delay is hereby allowed.

The delay in filing the complaint is condoned.

Prl.Sr. C.J. & CJM, Udupi

