

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,  
KAYAMKULAM**

Present: Aiswaryarani, Judicial First Class Magistrate

Dated this the 19<sup>th</sup> day of November, 2025

**CMP No. 5965/2025 in ST 401/2026**

Complainant : Hasseena Mol @ Ansy, Aged 36 years,  
W/o. Anvar, Plamoottil Veedu, Eruva P O,  
Eruva Kizhakkum Muri, Pathiyoor Village,  
Karthikapally Taluk, Alappuzha District  
(Now residing at Athyarthiyil Vasim  
Manzil, Kayamkulam P O, Kayamkulam  
Muri, Kayamkulam Village, Karthikapalli  
Taluk  
(By Adv. P S Zameer)

Accused : Jyothy Lekshmi, Aged 55 years, W/o.  
Ganesan, Athyarthiyil Iykyarethu Pattam  
Parambil Veedu, Peringala P O, Peringala  
Muri, Kayamkulam Village, Karthikapalli  
Taluk.(By Adv. Roy Oommen)

Offence : 210(1)(a), 223 Bharatiya Nagarik  
Suraksha Sanhita and 142 Negotiable  
Instrument Act.

The case having been heard on 20.11.2025, the court on the same day passed the following :-

**ORDER**

The petition is filed by the petitioner seeking to condone the delay in filing the complaint under proviso to Section 138 of the Negotiable Instruments Act.

2. The petition is accompanied by an affidavit stating the following:- The petitioner is the complainant in the petition. Since the petitioner was under complete bed rest, she could not proceed with the complaint within the statutory time limit. Therefore, there is a delay of 35 days. Hence, the petition.

3. Notice was sent to the respondent. However, it returned stating the respondent left.

4. Heard and perused the records.

5. The records show that the complainant should have filed the complaint on or before 19.10.2025. He filed the complaint on 24.11.2025. Hence, there is a delay of 35 days in filing the complaint before this court. The reason for the delay stated by the petitioner was under complete bed rest.

6. It is settled law that while dealing with delay condonation petitions, the court has to adopt a pragmatic and liberal approach instead of a pedantic approach. At this stage, the truth of the allegation cannot be determined, and the affidavit of the complainant can be prima facie taken into account. There is no material to suggest that there is deliberate inaction or negligence on the part of the complainant. Hence, I am of the view that the 35 days of delay can be condoned.

7. In the result, the petition is allowed.

(Pronounced in open court this the 19<sup>th</sup> day of November 2025)

Sd/-

**JUDICIAL FIRST CLASS MAGISTRATE-I**