

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II, NEDUMANGAD

Present: Akshaya.P.R., Judl. I Class Magistrate-II, Nedumangad

Date: 27.2.2026

C.M.P.2249/2025 IN CMP 2250/2025

Complainant	: Dhanamjai Nidhi Limtied CIN U 65990KL2021 PLNO72034, Muncipal Towl Hall, Duly represented by the Office Assistant. ByAdvocate Smt. Lekshmi Gireesh
Accused	: Bindhu.V.G,W/o.M.S.Sunilkumar, MS nivas, Mavookonam, Mundela.P.O. Aruvikkara village.
Offence	: Punishable u/s.138 r/w.142 of Negotiable Instruments Act
Order	Allowed

This case having been heard today the court passed the following:-

ORDER

This is a complaint filed by the complainant praying to condone delay in filing the complaint u/s.138 r/w.142 of Negotiable Instruments Act .

2.The complainant has filed the present complaint alleging that the accused, in discharge of a legally enforceable debt due to the complainant, issued a cheque in favour of the complainant. When the said cheque was presented for collection through the bank, it was returned unpaid with a dishonour memo. Thereafter, the complainant caused issuance of the statutory notice as contemplated under Section 138 of the Negotiable Instruments Act. Despite receipt of the said notice and despite repeated demands, the accused failed to repay the cheque amount within the statutory period, compelling the complainant to institute the present complaint.

3.It is seen that there occurred a delay in filing the complaint before this Court. The complainant has filed the present application seeking condonation of the said delay. The reason stated by the complainant is that there was re arrangement of the furniture and also the files including the said cheques embodies in them. Unfortunately there was a misplacement of the said cheques inspite of the utmost caution. Hence the complaint cold not be filed within the prescribed period. It is specifically averred that the delay was neither deliberate nor intentional, but

occurred due to bona fide administrative reasons.

4.The complainant was heard and the records were carefully perused. Notice of this application was duly served on the respondent/accused. Despite being given sufficient opportunities, the respondent has not chosen to file any objection, even after entering appearance and even after receiving a copy of the application for condonation of delay.

5.On a consideration of the materials on record, this Court is satisfied that the explanation offered by the complainant is reasonable, bona fide and sufficient to explain the delay. The law relating to condonation of delay is well settled that a liberal approach has to be adopted, particularly when the delay is not shown to be deliberate or mala fide and when it is properly explained. In the present case, no prejudice is shown to have been caused to the accused by the delay, whereas refusal to condone the delay would result in serious and irreparable prejudice to the complainant by shutting out the complaint at the threshold.

6.It is also relevant to note that the respondent has not raised any objection against the prayer for condonation of delay. In such circumstances, this Court finds no reason to deny the complainant an opportunity to prosecute the complaint on merits.

7. Therefore, in the facts and circumstances of the case, this Court holds that sufficient cause has been made out for condonation of delay. Accordingly, the petition is allowed and the delay in filing the complaint is hereby condoned.

Pronounced by me in open court on this the 27th day of February, 2025.

Sd/-

Judicial I Class Magistrate-II,
Nedumangad.

(True copy)

Judicial I Class Magistrate-II,
Nedumangad

